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BRIEFS ON  
PUBLIC QUESTIONS



# BRIEFS

ON

# PUBLIC QUESTIONS

WITH SELECTED LISTS OF REFERENCES

BY

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TO  
J. C. R. AND J. S. R.



## PREFACE

THIS is a series of argumentative briefs and lists of references on twenty-five of the most important public questions of the day.

For greater precision in the argument, each brief has been prefaced with a concise proposition, stating the question for discussion. A few short paragraphs have then been given, explaining why the subject is important, what facts material to it are generally conceded by both sides, and what apparently are the chief points at issue. Then follows the brief proper, a discussion of these issues from the affirmative and the negative points of view. Each main division of a brief is preceded by a list of references, giving information about or evidence in support of the statements that follow.

In the briefs I have attempted little beyond an analysis and arrangement of the more important arguments put forward by those who have written on the same topics. Largely because of the limitation of space, only the main lines of an argument have been given; no especial effort has been made to invent new or original arguments; and whenever a writer's wording of his point has seemed to be particularly effective I have not hesitated to use it. For these reasons, as no one is likely to

recognize more readily than myself, the book doubtless contains many statements to which exception may be taken and which can scarcely be supported by facts. I have felt, however, that the value of the work would be increased, rather than lessened, by this elimination of my own convictions; and hence I have never disregarded an argument, made in evident good faith, simply because it seemed to me personally unsound.

The only end I have had in mind in preparing the lists of references is their usefulness. I have tried to give the most important books on each topic, and especially, references to available books, — those which are, or ought to be, in every large library. The lists are by no means exhaustive; the specialist will be obliged to make many additions to them, additions particularly in the nature of reports and documents, and of references to periodicals having only a comparatively small or a class circulation. But I believe that not a few are the most complete that have thus far been brought together. Where other bibliographies have come to my attention, I have noted them at the beginning of my "General References."

R. C. R.

APRIL, 1905.



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# POLITICS





# POLITICS

## I

### NATURALIZATION

PROPOSITION: The naturalization laws of the United States should be made more stringent.

#### Introduction

GENERAL REFERENCES: F. Van Dyne, *Citizenship of the United States*; J. W. Guentzer, *Citizenship and How to Obtain it*; P. Webster, *Treatise on the Law of Citizenship*; P. Webster, *Law of Naturalization*; C. P. Daly, *Naturalization*; A. P. Morse, *Treatise on Citizenship*; A. C. Bernheim, *History of the Law of Aliens*; A. B. Hart, *Actual Government*, Chap. 2 (Bib.); J. J. Lalor, *Cyclopædia of Political Science*, I., 58; II., 959; *New International Encyclopædia*, XII., 872; *Revised Statutes of the United States*, Secs. 2165-2174; *World Almanac* (Naturalization Laws); Francis Wharton, *Digest of the International Law*, Chap. 7; Great Britain, *Report of the Inter-departmental Committee on Acts relating to Naturalization* (1901); *American Historical Association, Annual Report*, 1893, p. 319; 1901, Vol. I, p. 301; *Atlantic Monthly*, LXXV., 345; *American Law Review*, XXIII., 759; XXIV., 616; XXIX., 52.

I. The question is important.      A. Because of the continued growth of immigration.      B. Because of

the intimate relation between citizenship and the suffrage. C. Because of the frauds which, it is alleged, have been committed.

II. It is generally admitted. A. That United States courts and many State courts have jurisdiction in naturalization proceedings. B. That the principal provisions of the law are as follows: 1. A declaration of intention must be filed two years before the application for citizenship. 2. The applicant, previous to his admission, must have resided continuously for five years in the United States and for one year in the State where the oath is taken. 3. During this period he must have borne a good moral character. 4. He must renounce all allegiance to foreign powers. 5. He must be loyally disposed to the principles of the Constitution of the United States. C. That the effect of this law is: 1. To clothe an alien at home with all the civil and political privileges of a native-born subject. 2. To afford him abroad the full protection of the United States government. 3. But not necessarily to confer the elective franchise. D. That the following changes, tending to make the law more stringent, have been suggested: 1. Jurisdiction should be limited to United States courts. 2. The period of residence should be lengthened. 3. The procedure should be made more regular and formal. 4. No one should be admitted to citizenship who is unable to read, write, and to understand the Constitution.

III. The question whether these changes should be adopted seems to rest on three main issues. A. Are the provisions of the present law satisfactory? B. Have the results of the law been satisfactory? C. Are the proposed changes in the law wise?

## Brief for the Affirmative

REFERENCES: N. S. Shaler, *The Citizen*; D. J. Brewer, *American Citizenship*; John Chetwood, *Immigration Fallacies*, Chap. 4; James Bryce, *The American Commonwealth* (3d ed.), I., 419; II., 99; *Report of the Industrial Commission*, XV., lxix; *Twelfth Census*, I., clxxxi-ccxxi, 805-1006; II., xxxii-xxxiv, xcvi-cxxvi, 411-500; *Report of the Commissioner of Education*, 1902, Vol. 1, Chap. 18; *Senate Reports*, 52nd Cong., 2nd Sess., No. 1333, p. 205; *House Reports*, 50th Cong., 2nd Sess., No. 4024; 51st Cong., 2nd Sess., No. 3808; 52nd Cong., 1st Sess., No. 697; 53d Cong., 1st Sess., No. 139; *Forum*, IV., 397; VII., 597; XIII., 128, 475; XIV., 110, 608, 813; XXXII., 686; *North American Review*, Vol. 136, p. 541; Vol. 137, p. 417; Vol. 138, p. 415; Vol. 177, p. 837; *American Magazine of Civics*, VI., 202, 392; VII., 23, 411; VIII., 64, 134; IX., 225, 414; *Century*, XXXVII., 621; LXVII., 472; *Political Science Quarterly*, I., 199; *Educational Review*, XII., 120; *International Review*, XI., 197; *International Journal of Ethics*, VIII., 22; *Journal of Social Science*, XXXIX., 49; *New Englander*, XLIX., 305; *Education*, XIX., 30; *Nation*, XXIV., 348, 362; XLI., 503; *Public Opinion*, XXXII., 165.

I. The provisions of the present law of naturalization are unsatisfactory. A. The requirements are inadequate. 1. Citizenship is granted to those who are absolutely illiterate. 2. To those who are ignorant of our laws, customs, and institutions. 3. To those who have wrong notions of government and the State. 4. To those who have no sympathy for the principles which they swear to support. B. Many of the requirements of the law may be evaded. 1. Citizenship may be obtained by persons of bad moral character. 2. By those who have never forsaken their old allegiance. 3. By those who have not lived in the United States the required time.

C. The law admits of improper procedure. 1. The oath may be improperly administered. *x*. By clerks and deputies. *y*. Without judicial cognizance or formality. *z*. To large groups at the same time. 2. No effort to examine qualifications or to verify allegations is necessary. 3. Professional perjurers may be accepted as witnesses.

II. The results of the law have been unsatisfactory. A. In State and national politics. 1. Naturalized persons have wielded great political power unwisely. *x*. In support of factional and racial interests. *y*. To further old-world antipathies. *z*. To subvert American ideals and institutions. B. In local and municipal governments. 1. Many grave evils have been caused by the naturalized vote. *w*. Corrupt elections. *x*. Untrustworthy and dishonest officials. *y*. Extravagant and inefficient administrations. *z*. The strength of bosses, demagogues, and machines. C. In the nation's foreign relations. 1. Citizenship has been obtained by foreign residents for the sole purpose of avoiding the burden of native allegiance. 2. To protect and advance treasonable conspiracies against friendly powers.

III. The proposed changes in the law are wise. A. Jurisdiction should be restricted to Federal courts. 1. Inequalities would thus be removed. 2. Responsibility would be fixed. B. The period of residence should be lengthened. 1. Five years is too brief a period to secure sympathy and co-operation with the principles of the government. C. The procedure should be regulated. 1. The dignity and importance of the oath should be enhanced. 2. Careful examination should be made of the antecedents and qualifications of applicants. 3. Proper witnesses should be required. 4. A com-



plete record of proceedings should be kept. D. An educational test should be applied. 1. Such a test would raise the standard of citizenship. *x*. By excluding outright the most undesirable and dangerous classes. 1'. Ignorance and illiteracy go hand in hand with political immorality, social unfitness, and economic distress. *y*. By insuring from naturalized persons some understanding of our laws and institutions. 2. An educational test would make for a more intelligent and responsible use of the franchise. *x*. Without the ability to read and write voters cannot understand parties or issues. 3. It would hasten the assimilation of the foreign element.

### Brief for the Negative

REFERENCES: *House Reports*, 50th Cong., 2nd Sess., No. 4024, Pt. 2; *North American Review*, Vol. 52, p. 209; *Forum*, VIII., 684; XI., 541; XIV., 103, 600; *Atlantic Monthly*, LXXVIII., 445, 655; LXXXVI., 535; *Popular Science Monthly*, LII., 387; *American Magazine of Civics*, IX., 1; *Harper's Magazine*, XCVI., 429; *Scribner's Magazine*, XXIX., 301; *World's Work*, I., 381; *Outlook*, LXXIII., 29, 260, 555, 968; *Nation*, XLV., 518; LXII., 248; *Journal of Social Science*, XXXIX., 67; *Central Law Journal*, II., 303.

I. The provisions of the present law of naturalization are satisfactory. A. The requirements are adequate. 1. Applicants must show that they are attached to the principles of the Constitution. 2. They must be of good moral character. 3. Continuous residence is required to afford a knowledge of our institutions and form of government. 4. The criticisms advanced have been against the administration of the law, not against the

law itself. B. The procedure prescribed is proper.

1. Proceedings are judicial, and only higher courts have cognizance. 2. Competent witnesses are required. 3. Penalties are attached to fraudulent statements. 4. Courts are empowered to make a full examination into the facts of every case. 5. The criticisms advanced have been criticisms of the procedure in a few overworked courts.

II. The results of the law have been satisfactory.

A. Naturalized persons have, as a whole, made excellent citizens.

1. Politically. *w*. They have been attached to American institutions. *x*. They have furnished many able statesmen and political leaders. *y*. They have made excellent soldiers. *z*. They have uniformly taken the right side on public questions. 2. Socially. *x*. They have contributed energy and vitality to the race. *y*. They have stood for progressive social ideals. *z*. They have been orderly and law-abiding. 3. Economically. *x*. They have been thrifty, diligent, and prosperous.

B. The statement that naturalized persons have degraded the suffrage is untrue.

1. The evils of American politics are due to other causes than the naturalized vote. *x*. To the influence of the money power and corporations. *y*. To the indifference of the better classes. *z*. To corrupt and selfish leadership. 2. Results in the nation as a whole must not be judged by the experience of a few great cities. 3. The question of qualifications for suffrage is one wholly apart from that of qualifications for citizenship. *x*. Naturalization is a question only of allegiance. *y*. In many States unnaturalized aliens are permitted to vote.

III. The proposed changes in the law are unwise.

A. It would be unwise to restrict jurisdiction to Federal courts. 1. Federal courts are less accessible. 2. The

cost of the process would be greatly increased. 3. State judges have better means of testing the qualifications of applicants and the truth of statements. B. It would be unwise to lengthen the required period of residence. 1. Aliens should be induced to take an interest in public affairs as soon as possible and to have a stake in the government. 2. Five years is ample time to acquire a knowledge of our institutions and laws. C. It would be unwise to require an educational qualification. 1. An educational qualification is unsound in principle. *x*. Education is no criterion of worth. *y*. No measure of patriotism or virtue. *z*. No index to general ability or intelligence. 2. An educational qualification would work positive harm. *x*. A large class would permanently be without hope of representation in government. *y*. Discontent and open revolt would be encouraged. *z*. Desirable immigration would be discouraged. 3. There is no good reason for applying a severer test to foreign than to native-born voters.

## II

### WOMAN SUFFRAGE

PROPOSITION: The suffrage should be given to women.

#### Introduction

GENERAL REFERENCES: E. C. Stanton and others, *History of Woman Suffrage* (4 vols.); M. Ostrogorski, *The Rights of Women*; G. J. Bayles, *Woman and the Law*; W. E. H. Lecky, *Democracy and Liberty*, II., Chap. 10; *New International Encyclopædia*, XVII., 835 (Bib.); *New American Supplement to the Encyclopædia Britannica*, V., 3181; W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 1399-1417; *World Almanac* (Woman Suffrage); New York Constitutional Convention, *Debates on Woman Suffrage* (1894); International Congress of Women, *Women in Politics*; W. P. Reeves, *State Experiments in Australia and New Zealand*, Chap. 3; James Bryce, *The American Commonwealth* (3d ed.), II., Chap. 96; "Woman Suffrage in Local Self Government," in *Political Science Quarterly*, VI., 677; *Annals of American Academy of Political and Social Science*, XVIII., 552, 556; *Chautauquan*, XIII., 72; XXXIV., 482; *Century*, XLIII., 605-626.

I. The question is important. A. The demand for woman suffrage has been called the most insistent of the century. B. In many States the suffrage has been granted. 1. Full suffrage. 2. Municipal. 3. Local. 4. School. C. Many who oppose any further extension believe it inevitable.

II. It is generally admitted. A. That by the demand for woman suffrage, two things are implied. 1. That women be given the privilege of voting on the same terms with men. 2. That they be given the privilege of holding office on the same terms.

III. The question whether these demands should be granted seems to present four main issues. A. Have women a right to the suffrage? B. Is it expedient for them that they have it? C. Is it expedient for the State? D. Do the results of the suffrage for women argue for its extension?

### Brief for the Affirmative

REFERENCES: J. S. Mill, *The Subjection of Women*; J. S. Mill, *Considerations on Representative Government*, Chap. 8; Mary Putnam Jacobi, "*Common Sense*" applied to *Woman Suffrage*; Mrs. Ashton Dilke, *Women's Suffrage*; H. and M. G. Fawcett, *Essays and Lectures*, pp. 230-291; G. W. Curtis, *Orations and Addresses*, I., 181; T. W. Higginson, *Common Sense about Women*; Frank Parsons, *The Story of New Zealand*, Chap. 48; *Congressional Record*, Vol. 16, Pt. 2, pp. 1322-1325; Vol. 18, Pt. 1, pp. 34-38, 987-1002; *Senate Reports*, 47th Cong., 1st Sess., No. 686; 48th Cong., 1st Sess., No. 399; 49th Cong., 1st Sess., No. 70; 50th Cong., 2nd Sess., No. 2543; 51st Cong., 1st Sess., No. 1576; 52nd Cong., 2nd Sess., No. 1143; 54th Cong., 1st Sess., No. 787; *Senate Miscellaneous Documents*, 47th Cong., 1st Sess., No. 74; *Senate Documents*, 54th Cong., 1st Sess., No. 157; *House Reports*, 41st Cong., 3d Sess., No. 22, Pt. 2; 48th Cong., 1st Sess., No. 1330, Views of the Minority; 51st Cong., 1st Sess., No. 2254; *North American Review*, Vol. 129, p. 413; Vol. 137, p. 495; Vol. 139, p. 405; Vol. 143, p. 371; Vol. 166, p. 142; Vol. 177, p. 243; Vol. 178, p. 362; Vol. 179, p. 30; *Forum*, II., 351; III., 131; XVII., 413; XVIII., 406, 609; XXIII.,

173; *Arena*, II., 752; V., 68; XI., 353; XVI., 570, 748; *Lippincott's Magazine*, LXIV., 411; *Fortnightly Review*, XIII., 719; XVII., 204; LI., 555; LII., 123; *Nineteenth Century*, XIV., 285; XIX., 740; XXVI., 86; LVI., 105; *Contemporary Review*, IV., 307; XX., 360; XLVII., 418; LVIII., 830; LXXXIII., 653; *Westminster Review*, Vol. 55, p. 289; Vol. 133, p. 231; Vol. 135, p. 364; Vol. 143, p. 35; Vol. 148, p. 357; Vol. 149, pp. 147, 279; Vol. 160, p. 539; *Independent*, LVI., 1309; Reports and Publications of the National American and the New York State Woman Suffrage Associations.

I. Women have a right to the suffrage. A. They have a natural right. 1. All just government is founded on the consent of the governed. 2. Women do not consent to be governed by men. B. They have a right based on fundamental American principles. 1. All men are created equal. 2. All should participate in the affairs of State. C. They have a right derived from the payment of taxes. 1. Taxation without representation is tyranny. D. They have a constitutional right. 1. The suffrage is a privilege of citizenship. 2. Women are citizens. 3. The privileges and immunities of citizens cannot be abridged by any State. 4. The right to life, liberty, and property guaranteed by the Constitution includes the right to protection. E. They have a legal right. 1. Women may vote at common law.

II. It is expedient for women that they have the suffrage. A. The suffrage would improve their social position. 1. Women would be placed on a plane of equality with men. *x*. They would exercise equal power. 2. They would compel greater respect. *x*. Their opinions would count. 3. Their minds would



be elevated and broadened. *x*. By the study of political questions. 4. The argument that women would become less womanly by participating in the suffrage is unsound. *x*. They would be affected by contact with men at the polls no more than in other public places. B. The suffrage would improve the political condition of women. 1. Women suffer precisely as men from corrupt and inefficient government. 2. Women suffer from many inequalities and discriminations. *w*. In regard to the custody of children. *x*. The division of property. *y*. Taxation. *z*. The protection of the person. 3. The ballot is the only efficient method of securing political rights. 4. The argument that women are well represented by men is unsound. *x*. Women have different interests, tastes, and occupations. *y*. Many have neither husband nor brothers. C. The suffrage would improve the economic condition of women. 1. New occupations would be opened to them. 2. They would receive higher wages. D. The statement that women do not wish the ballot is untrue. 1. A large and constantly increasing number have said they did. 2. The fact that some are apathetic is no reason for withholding the right from others. *x*. Many men do not vote.

**III.** It would be expedient for the State for women to have the suffrage. A. Women are well qualified for the suffrage. 1. Morally. *x*. They have higher moral standards than men. *y*. Fewer women are criminals. 2. Women are well qualified mentally. *x*. They have shown great proficiency in many directions. 1'. In government. 2'. In scholarship. 3'. In the professions. 4'. In business. 5'. In art and literature. *y*. Any difference in achievement has been due to differences

in position and habits. *z.* No contention is made that the suffrage is based on intellectual qualifications. 3. Women are well qualified physically. *x.* They have more than enough strength for the duties of voting and holding office. *y.* The suffrage is not based on physical strength. *z.* The argument that women could not enforce the decree registered by the ballot is unsound. 1'. Division of political opinion by sex is wholly unlikely. B. The participation of women would improve political life. 1. The influence of the home would be increased. 2. A strong conservative element would be introduced. 3. More orderly elections would be insured. 4. New ability would be secured. C. The argument that the home would suffer from the participation of women in politics is unsound. 1. Little time is necessary for voting. 2. The family cannot be a unit in opinion as in affection. 3. Differences of opinion will not be increased by the opportunity to express them. D. The argument that women will not vote is disproved by facts. 1. Women have voted in even a greater proportion than men.

IV. The results of the suffrage for women argue for its extension. A. Full suffrage where it has been granted has been successful. 1. Better candidates have been nominated. 2. Desirable legislation has been effected. 3. Elections have been more orderly. 4. The best women have voted. 5. The character of women has not changed. 6. Domestic harmony and the influence of the home have not decreased. 7. Interest in the study of political questions has been aroused. 8. The right is now regarded as a matter of course. B. Municipal suffrage has been successful. 1. Better city governments have been secured. 2. Undesirable



classes have not been influential. C. School and local suffrage has been successful. 1. Better directors have been obtained. 2. The pay of women teachers has been increased. D. An extension of the suffrage has generally followed its partial adoption.

### Brief for the Negative

REFERENCES: Helen K. Johnson, *Woman and the Republic*; Horace Bushnell, *Women's Suffrage; the Reform against Nature*; Carlos White, *Ecce Femina*; Goldwin Smith, *Essays on Questions of the Day*, pp. 183-218; H. L. Hart, *Women's Suffrage and National Danger*; Elizabeth McCracken, *The Women of America*, Chap. 4; *Why Women do not Want the Ballot* (2 vols.); Francis Parkman, *Some of the Reasons against Woman Suffrage*; *Congressional Record*, Vol. 18, Pt. 1, pp. 980-983, 986-987; *Senate Reports*, 45th Cong., 2nd Sess., No. 523; 47th Cong., 1st Sess., No. 686, Pt. 2; 48th Cong., 1st Sess., No. 399, Pt. 2; 49th Cong., 1st Sess., No. 70, Pt. 2; 50th Cong., 2nd Sess., No. 2543, Pt. 2; 52nd Cong., 2nd Sess., No. 1143, Views of the Minority; *Senate Miscellaneous Documents*, 52nd Cong., 2nd Sess., No. 28; 53d Cong., 2nd Sess., No. 121; *House Reports*, 41st Cong., 3d Sess., No. 22; 48th Cong., 1st Sess., No. 1330; 51st Cong., 1st Sess., No. 2254, Pt. 2; *Minor v. Happersett*, 21 Wallace, 162; *North American Review*, Vol. 109, p. 556; Vol. 129, p. 303; Vol. 130, p. 16; Vol. 137, p. 137; Vol. 143, p. 290; Vol. 177, pp. 111, 544, 837; Vol. 178, p. 103; *Forum*, II., 439; IV., 1; VIII., 515; XVII., 406; *Atlantic Monthly*, LXV., 310; XCII., 289; *American Law Review*, XXXI., 404; *Arena*, II., 175; XI., 363; *Popular Science Monthly*, I., 82; V., 427; XXXIII., 721; LI., 222, 341; *New Englander*, XLIII., 193; *Nation*, V., 152; X., 205; XII., 270; XVIII., 311; XXII., 205; XXIX., 286; XXXVI., 204; XLIV., 310; *Outlook*, LV., 789, 964; LXIV., 573; LXV., 430; LXVIII., 711; LXXIII., 418; LXXV., 735, 997; *Fortnightly Review*, LI.,

568; LIV., 833; *Nineteenth Century*, XIX., 561; XXV., 781; XXVI., 347; XXX., 79; XLVII., 839; *Lippincott's Magazine*, LXIII., 699; Reports and Publications of the Massachusetts, New York, and Illinois Associations opposed to the extension of Suffrage to Women.

**I.** Women have no right to the suffrage. **A.** They have no natural right. **1.** The suffrage is a privilege, not a right, and is granted solely for questions of expediency. **2.** Few governments have given any general right of suffrage. **B.** Women have no right founded on fundamental American principles. **1.** In none of the thirteen original States at the time of the adoption of the Constitution could all citizens vote. **C.** Women have no right derived from the payment of taxes. **1.** Many men who vote pay no taxes. **2.** Many who pay taxes may not vote. **D.** Women have no constitutional right. **1.** The privileges and immunities guaranteed by the Fourteenth Amendment do not include the right to vote. **x.** The Fourteenth Amendment created no new rights. **y.** It simply guaranteed, against State action, rights protected by the original Constitution and Amendments. **E.** If the State may regulate the right of suffrage, as in the case of infants and idiots, it may entirely withhold it. **1.** The power to regulate is the power to withhold.

**II.** It would be inexpedient for women that they have the suffrage. **A.** The suffrage would impair the social position of women. **1.** Their elevating and refining influence would be lessened. **2.** They would be made less womanly. **3.** They would receive less respect from men. **4.** As the influence of the innocent and intelligent increased, that of the ignorant and vicious would be augmented. **B.** The suffrage would

not improve the political condition of women. 1. It would secure no rights or privileges which they cannot otherwise obtain. *x*. Women are well represented by men. 1'. The household is a unit. *y*. The ballot is not the only element of power. 1'. Indirect influence is potent. *z*. All the great advances made by women have been without the ballot. 2. The argument that the suffrage would relieve women from unjust discrimination is unsound. *x*. Women are not discriminated against. *y*. In many respects they are favored. 1'. In legislation. 2'. By courts and juries. *z*. Equality does not imply identity of rights. C. The suffrage would not improve the industrial condition of women. 1. Women are kept from certain occupations by conventions which the suffrage would not affect. 2. The wages of women are governed by economic laws. D. Women as a class do not wish the ballot. 1. When they have had the opportunity, they have said so. 2. The demand for the suffrage is that of a few zealots.

**III.** It would be inexpedient for the State for women to have the suffrage. A. Women are unfitted for the suffrage. 1. Physically. *x*. Those who make the laws must be able to execute them. 1'. Back of the ballot is the bullet. *y*. Women could neither enforce the laws nor compel men to do so. 1'. A majority of men would not submit to a minority of men and non-combatants. 2. Women are unfitted for the suffrage mentally. *w*. They are chiefly moved by personal predilections. *x*. They are emotional, illogical, and have little judgment. *y*. They have no interest in public affairs. *z*. They have not been successful in public positions. 3. Women are morally unfitted for the suffrage. *x*. They are easily moved by improper influ-

ences. *y*. Their votes would largely be dictated by others. 1'. Politicians. 2'. Relatives. 3'. Spiritual advisers.

B. The participation of women in the suffrage would diminish the influence of the home, the bulwark of the State.

1. Families would be internally divided.

2. Domestic difficulties and divorce would be increased.

3. Household duties would be neglected.

4. The desire for maternity would be less potent.

C. The participation of women in the suffrage would increase the evil elements in political life.

1. The lower class in cities would use the ballot.

2. The better class would not.

IV. The results of the suffrage for women do not argue for its extension.

A. Women, having obtained the right, have shown little interest.

1. Comparatively few have registered or voted.

2. Almost none have attended the primaries.

B. No appreciable good has been accomplished.

1. Good candidates have not been generally supported.

2. Legislation has been little affected.

3. Criminal practices and violations of the law have not been checked.

*x*. Social impurity.

*y*. Gambling.

*z*. Liquor-selling.

C. Much real harm has been done.

1. Women have been inefficient in public office.

2. Many have become politicians of the worst sort.

3. Votes have been easy to secure.

4. The influence of the better class has been outweighed by that of the worse.

### III

#### NEGRO SUFFRAGE

PROPOSITION: The Fifteenth Amendment to the Constitution should be repealed.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *Select List of References on the Negro Question*; W. E. B. Du Bois, *Select Bibliography of the American Negro*; *Race Problems of the South* (Bib.); G. W. Williams, *History of the Negro Race in America* (2 vols.); W. D. P. Bliss, *Encyclopedia of Social Reform*, p. 927; J. J. Lalor, *Cyclopædia of Political Science*, III., 822; *Encyclopedia Americana*, XI. (Negro in America); *Twelfth Census*, I., cxi-cxxiii; cxviii-ccvi; II., xcvi-cxxiii; W. E. B. Du Bois, *The Philadelphia Negro*; "The Negroes of St. Louis," in *Publications of the American Statistical Association*, VIII., 203; *Johns Hopkins University Studies in Historical and Political Science*, VIII., 347; XI., 99; *Bulletin of Bureau of Labor*, Nos. 10, 14, 22, 32, 35, 37, 48; "History of Negro Suffrage in the South," in *Political Science Quarterly*, IX., 671; "Negro Suffrage in the South," in *Outlook*, LXXIV., 399; *Forum*, IX., 78, 266; *United States v. Reese*, 92 *United States Reports*, 214; Proceedings and Occasional Papers of the John F. Slater Fund; Publications of Atlanta University.

I. The question is important.      A. The negro problem has been called the greatest social problem

of the century. B. Of its many phases, that suggested by a repeal of the Fifteenth Amendment seems particularly vital. 1. Many regard the Amendment as the essential feature of the situation. 2. By many its wisdom is doubted. 3. In a number of States it has practically been nullified.

II. It is generally admitted. A. That under the Fifteenth Amendment the right of citizens to vote cannot be abridged because of race or color. B. That a repeal of the Amendment would remit the whole question of qualifications for suffrage to the States.

III. The question whether this is wise seems to present three main issues. A. Is the Fifteenth Amendment based on sound theory? B. Has it worked well in practice? C. Would a repeal bring good results?

### Brief for the Affirmative

REFERENCES: P. A. Bruce, *The Plantation Negro as a Freeman*; T. N. Page, *The Negro: The Southerner's Problem*; N. S. Shaler, *The Neighbor*, Chap. 7; E. G. Murphy, *The Present South*, Chap. 6; *Congressional Globe*, 40th Cong., 3d Sess., Pt. 2, pp. 995-996, 1010-1012, 1309-1310; Pt. 3, pp. 1630-1631; *Annals of American Academy of Political and Social Science*, XV., 493; XVIII., 95-118; *Publications of American Economic Association*, Vol. 11, Nos. 1-3; 3d Ser., Vol. 3, No. 2; *Forum*, I., 126; V., 383; VI., 144, 586; VIII., 365; XIV., 797; XVI., 176; XXVI., 578; XXX., 215; XXXI., 225; XXXII., 460, 671; *North American Review*, Vol. 143, p. 307; Vol. 153, p. 641; Vol. 154, p. 401; Vol. 170, p. 785; Vol. 172, p. 279; Vol. 175, p. 534; Vol. 177, pp. 509, 837; Vol. 179, p. 402; *Atlantic Monthly*, LXXXVII., 145, 473, 634; LXXXVIII., 121, 289, 437; *Century*, XXIX., 909; LXI., 278; *Arena*, II., 39, 132, 385;



XXI., 438, 446; XXIX., 495, 611; XXXI., 481; *Popular Science Monthly*, XXVI., 39; LV., 177; *American Journal of Sociology*, VI., 204, 248; *McClure's Magazine*, XXII., 548, 619; XXIII., 96; *Journal of Social Science*, XXXVII., 28; *Gunton's Magazine*, XXVII., 453; *American Review of Reviews*, XXV., 716; *Independent*, LI., 1535, 1687; LII., 1953-1957; LIV., 2224; LV., 424; *Outlook*, LXVIII., 711; LXIX., 810.

I. The Fifteenth Amendment is not based on sound theory. A. The suffrage is a privilege to be intrusted only to those who will use it wisely. 1. It is not a natural right. 2. It does not grow out of citizenship. 3. It is granted solely for political expediency. B. The negro is incapable of exercising the suffrage wisely. 1. He is politically incapable. *w.* He has no political aptitude. *x.* No conception of the meaning of the ballot, of issues, or of the functions of officers. *y.* No abiding convictions. *z.* No real wish to vote. 2. He is intellectually incapable. *x.* He is ignorant. *y.* Illiterate. 3. He is morally incapable. *w.* He is corruptible. *x.* Licentious. *y.* Untruthful. *z.* Thieving. 4. He is economically incapable. *x.* He cannot manage his own affairs. *y.* He has not the steadying force of property. C. A strong presumption exists against the wisdom of the Amendment. 1. It was adopted without sufficient consideration. 2. By questionable methods. 3. To perpetuate the Republican party.

II. The Amendment has worked badly in practice. A. The effect on the negro has been bad. 1. Industrially. *x.* His mind has been withdrawn from thrift to politics. 2. Morally. *x.* His crime has increased. 3. Socially. *x.* Race hatred has taken the place of

kindly interest. 4. The statement that the negro has gained politically is untrue. *x*. He has been the tool of parties and demagogues. *y*. In many States he has been disfranchised. *z*. In others he has only nominal political rights. B. The effect of the Amendment on the South has been bad. 1. Politically. *x*. It caused bad State government. 1'. Exorbitant taxes. 2'. Reckless expenditures. 3'. Maladministration of the law. *y*. It gave rise to corrupt political methods. 1'. Force. 2'. Fraud. 3'. Bribery. 4'. Intimidation. 5'. Ballot-box stuffing. *z*. It has compelled bad party policy. 1'. The disregard of national, State, and local issues. 2'. Division for and against the negro. 2. The effect on the South has been bad socially. *x*. Bitter race antagonism has resulted. 3. The effect on the South has been bad morally. *x*. Open and flagrant violation of the law has been condoned. 1'. To redress personal wrongs. 2'. To secure political rights. C. The effect of the Amendment on the nation has been bad. 1. Sectionalism and strife have been engendered. 2. The South has secured undue representation.

III. A repeal of the Amendment would bring good results. A. The negro would be benefited. 1. Intellectually. *x*. His desire for knowledge would be increased. 2. Socially. *x*. His relations with the white race would be improved. 3. Industrially. *x*. His attention would be turned from politics to industry. 4. The argument that the negro would be injured politically is unsound. *x*. He would lose nothing that he now has. 5. The argument that the ballot is necessary to protect the negro's civil rights is unsound. *x*. It is not so in the case of women and minors. *y*. There is no wish to oppress the negro. 1'. The



harsh legislation after the War was the result of ignorance and resentment. B. The South would be benefited by a repeal of the Amendment. 1. Politically.

*x.* Politics would be purged of ignorant and corrupt electors. *y.* Parties would divide on broader issues.

*z.* The danger of negro domination would be over.

2. The South would be benefited socially. *x.* The striving for social equality would cease. *y.* Wherever negroes have been excluded from voting a better feeling has arisen.

C. The nation would be benefited by a repeal of the Amendment. 1. The greatest burden on free institutions would be removed. 2. Representation in Congress and in the Electoral College would be rectified.

### Brief for the Negative

REFERENCES: Booker Washington, *The Future of the American Negro*; Booker Washington and others, *The Negro Problem*; G. W. Cable, *The Negro Question*; G. W. Cable, *The Silent South*; W. H. Thomas, *The American Negro*; W. E. B. Du Bois, *The Souls of Black Folks*; C. B. Spahr, *America's Working People*, Chap. 5; *American Negro Academy, Occasional Papers*, No. 6; *Congressional Globe*, 40th Cong., 3d Sess., Pt. 2, pp. 899-904, 978-986, 1004-1005; *North American Review*, Vol. 128, pp. 161, 225-283; Vol. 168, p. 285; Vol. 171, p. 221; Vol. 176, p. 657; *Forum*, I., 562; V., 627; VI., 392; VII., 80, 143; X., 335; XXVI., 434; XXVII., 570; XXIX., 720; XXX., 693; XXXII., 116; XXXVI., 289; *Atlantic Monthly*, LXXVIII., 441; LXXXIV., 577; LXXXVII., 817; LXXXVIII., 433; XC., 65, 289; XCIV., 72; *Popular Science Monthly*, LV., 317; LVII., 29, 147; *Arena*, II., 560, 633; XXI., 426, 455; XXIV., 449; XXXII., 141; *Century*, XXIX., 409; LIX., 472; *American Review of Reviews*, XXIV., 649; XXVIII., 321; *McClure's Magazine*, XXII., 259; *Scribner's Magazine*, XXXVI., 15; *International Monthly*, I., 340;

*Nineteenth Century*, XLVI., 459 ; LIV., 495 ; *World's Work*, II., 848 ; VI., 3731 ; *Outlook*, LX., 1059 ; LXI., 486, 711, 802 ; LXII., 490 ; LXIV., 14, 565 ; LXXI., 163 ; LXXIII., 293, 607, 619, 950 ; LXXVII., 689 ; *Independent*, LI., 3306 ; LV., 400, 2021 ; *Nation*, LXVI., 398 ; LXIX., 384 ; LXXVI., 204, 324, 346 ; LXXVII., 71, 182, 315, 400, 518 ; Publications of the American Negro Academy.

I. The Fifteenth Amendment is based on sound theory. A. A broad suffrage is desirable. 1. It is the only sure method of protecting rights. *x*. No class can be trusted to care for the rights of another. 2. It is the only guarantee for domestic peace. *x*. A class without stake in the government is a cause for alarm. 3. It has great educational value. *x*. The intelligence of the masses is raised. *y*. Responsibility is taught. 4. It fulfils the political ideals of the nation. *x*. The belief that taxation without representation is tyranny. *y*. The declaration that all men are created equal. *z*. The doctrine that government rests on the consent of the governed. B. Disfranchisement because of race or color is particularly objectionable. 1. It is inconsistent. *x*. Citizenship is conferred without regard to race. 2. It is harmful. *x*. The State is deprived of many who are best qualified to serve it. 1'. Color is no indication of character, ability, or patriotism. 4. It is illogical. *x*. It is based on inherited, unalterable, and unessential characteristics. C. Disfranchisement because of race or color should be prohibited by the Constitution. 1. In no other way can the suffrage be secured to the negro. D. The argument that the Amendment is wrong because the negro is not qualified to vote, is unsound. 1. Qualifications for the suffrage are not forbidden by the Amendment.

II. The Amendment has worked well in practice. A. The negro has been benefited. 1. Politically. *x*. Intelligent voters have been developed. *y*. Wise leaders. 2. The negro has been benefited industrially. *w*. He has become an important commercial factor. *x*. He has acquired homesteads. *y*. Has gained mechanical skill. *z*. He pays a large amount of taxes. 3. The negro has been benefited intellectually. *x*. Schools and colleges have increased in number and in attendance. *y*. Illiteracy and ignorance have been greatly reduced. 4. The negro has been benefited morally. *x*. Marriage relations have been improved. *y*. Crimes of violence are no more common than in the case of whites. B. The South has been benefited by the Amendment. 1. It has been compelled to give heed to the negro. *x*. To develop his political reason. *y*. To educate him. 2. Whatever the South may have suffered has been due to its own errors. *x*. To its failure to assist and co-operate with the negro after the War. C. The nation has been benefited by the Amendment. 1. A great duty has been successfully performed.

III. A repeal of the Amendment would bring bad results. A. The negro would suffer. 1. Politically. *x*. He would be disfranchised in nearly all Southern States. 1'. The recent history of the South shows this. *y*. His civil rights would be invaded. 1'. The legislation of Southern States following the War shows this. 2. The negro would suffer socially. *x*. He would lose his self-esteem. *y*. The recognition of others. *z*. All incentive to better his condition. 3. The negro would suffer intellectually. *x*. His educational status would be lowered. 1'. In Southern States whose consti-

tutions disfranchise the negro, school terms have been shortened. 2'. Appropriations have been cut down. 4. The negro would suffer economically. x. The whites would absolutely control his labor. B. The South would suffer from a repeal of the Amendment. 1. A dangerous incubus would threaten society. C. The nation would suffer. 1. The nation would be recreant to a trust. 2. Government by the people would receive its greatest check.

## IV

### AN EDUCATIONAL QUALIFICATION FOR SUFFRAGE

PROPOSITION: The suffrage should be restricted by an educational qualification.

#### Introduction

GENERAL REFERENCES: A. B. Hart, *Handbook of History, Diplomacy, and Government*, p. 228 (Bib.); "History of Suffrage Legislation in the United States," in *Chautauquan*, XXII., 28; "Educational Qualifications for the Suffrage," in *Political Science Quarterly*, XIII., 495; "Illiteracy of the Voting Population of the United States," in *Report of the Commissioner of Education, 1902*, Vol. I., Chap. 18; *Twelfth Census*, I., cxcviii-ccxxi, 907-1006; II., xcvi-cxxiii, 411-501; J. J. Lalor, *Cyclopædia of Political Science*, III., 822; *New American Supplement to the Encyclopædia Britannica*, II., 1130; W. D. P. Bliss, *Encyclopedia of Social Reform*, p. 707; *World Almanac* (Qualifications for Voting); J. S. Mill, *Considerations on Representative Government*, Chap. 8; G. Bradford, *The Lesson of Popular Government*, I., Chap. 1; *Harper's Magazine*, XCIV., 207; *American Review of Reviews*, XXV., 716.

I. The question is important. A. Because of the adoption in recent years of educational qualifications by several States. B. Because of the statistics of foreign immigration. C. Because of the defective administration of many cities.

II. It is generally admitted. A. That in the great majority of States what is popularly, although not exactly, known as universal suffrage prevails. B. That the proposal of those who advocate an educational qualification is as follows: I. Voters, in addition to satisfying other requirements, must be able to read, write, and to understand a few sentences of the English language.

III. The question whether this change is wise seems to present three main issues. A. Is the suffrage a right? B. Is universal suffrage politically expedient? C. Is an educational qualification a wise method of restriction?

### Brief for the Affirmative

REFERENCES: W. E. H. Lecky, *Democracy and Liberty*, I., 58-98; F. J. Goodnow, *Municipal Problems*, Chap. 7; N. S. Shaler, *The Citizen*, pp. 206-215; R. M. Atchison, *Un-American Immigration*, Chap. 4; *North American Review*, Vol. 127, p. 1; Vol. 136, p. 119; Vol. 137, p. 413; Vol. 139, p. 492; Vol. 144, p. 298; Vol. 156, p. 27; Vol. 158, p. 203; Vol. 168, p. 285; Vol. 175, p. 534; Vol. 177, p. 837; *Forum*, IX., 117; XI., 29; XIV., 159; XXVI., 393; XXXII., 460, 686; *Annals of American Academy of Political and Social Science*, XV., 493; XIX., 408; *Educational Review*, XII., 120; XXVIII., 105; *Popular Science Monthly*, XXVI., 194; *Century*, XXXVII., 621; LXVII., 474; *American Review of Reviews*, XXIV., 649; *American Magazine of Civics*, VIII., 64; *Education*, XIX., 30; *Social Economist*, IV., 334; *Independent*, LI., 3226; LII., 174; *Outlook*, LXIV., 434; LXVII., 329; LXVIII., 711; LXXIII., 622; *Nation*, VIII., 125; *Public Opinion*, XXXII., 165.

I. The suffrage is not a right. A. It is a privilege granted by the State to those most likely to use



it for the public good. B. The arguments attempting to prove that the suffrage is a right are unsound.

1. It is not, as contended, a natural right. *x*. No one can be deprived of a natural right. *y*. The suffrage is not generally granted to women, minors, paupers, the insane, criminals, or unnaturalized aliens. 2. It is not a right which can be founded on fundamental American principles. *x*. In none of the thirteen original States at the time of the adoption of the Constitution could all citizens vote. 3. It is not a constitutional right. *x*. The privileges and immunities guaranteed by the Fourteenth Amendment do not include the right to vote. 4. It is not a right which can be based on the payment of taxes. *x*. Women and minors who pay taxes may not vote.

## II. Universal suffrage is politically inexpedient.

A. Many to whom the ballot is given are unfitted to use it wisely. 1. Many are ignorant. 2. Illiterate. 3. Vicious. 4. Venal. 5. Blindly subservient. 6. Wholly unacquainted with American institutions and principles of government. B. The

participation of these classes in the suffrage has caused grave political evils. 1. The indifference of the better classes. 2. Corrupt elections. 3. Untrustworthy officials. 4. Extravagant and inefficient administrations. 5. The strength of bosses, demagogues, and machines. 6. Too many and unwise laws. C. The

arguments brought forward to prove the expediency of universal suffrage are unsound. 1. The contention that the suffrage is necessary for the protection of rights is unsound. *x*. The surest protection for the rights of all is a government by the most virtuous and the most enlightened. 2. The contention that the



suffrage has great educational value is misleading. *x*. It has no such value for those who do not appreciate its importance, and who wilfully misuse it.

**III.** An educational qualification is a wise method of restriction. **A.** It is based on sound principles.

**1.** The intelligent exercise of the suffrage is impossible without the ability to read and write. *x*. In no other way can the voter understand past experience or present issues. **2.** An educational qualification would exclude the classes whose influence is most inimical to good government.

*x*. Those who are easiest influenced by improper methods. *y*. Those who, although well-meaning, are incapable of sound judgment.

**3.** It would help to eradicate the most flagrant political evils. *v*. Corruption. *w*. Machine politics.

*x*. Bad municipal government. *y*. Incompetent officials. *z*. Ill-considered legislation.

**B.** An educational qualification has worked well in practice. **1.** In New England States. **2.** In the South.

**C.** An educational qualification is preferable to any other method of restriction. **1.** A property qualification, even if desirable, is impracticable.

### Brief for the Negative

REFERENCES: C. W. Eliot, *American Contributions to Civilization*, pp. 21-30; *North American Review*, Vol. 103, p. 241; *Forum*, I., 209; III., 170; *Atlantic Monthly*, XLIII., 71; LXXVIII., 441; *Popular Science Monthly*, XXVI., 194; *International Review*, VI., 2; *Cosmopolitan*, IX., 508; XIV., 476; *Westminster Review*, Vol. 137, p. 680; *Outlook*, LXVII., 648; *Nation*, III., 371; *Open Court*, VIII., 3959.

**I.** The suffrage is a right. **A.** It is a natural right. **1.** All just government is founded on the

consent of the governed. B. It is a right which may be based upon fundamental American principles.

1. On the declaration that all men are created equal.

2. On the doctrine that all should participate in the affairs of state.

C. It is a right derived from the payment of taxes.

1. Taxation without representation is tyranny.

D. It is a constitutional right.

1. The suffrage is a privilege of citizenship.

2. The privileges and immunities of citizens may not be abridged by any State.

3. The right to life, liberty, and property, guaranteed by the Constitution, includes the right to protection.

II. Universal suffrage is politically expedient.

A. It has great educational value.

1. It raises the intelligence of the masses.

2. Teaches responsibility.

3. Increases the interest of the State in education.

B. It is the only efficient protection of rights.

1. Every class best knows its own interests.

2. No class can be trusted to care for the rights of another.

C. It is the surest guarantee of domestic tranquillity.

1. The deprivation of all stake in the government leads to agitation, distrust, and discontent.

D. It is just.

1. To impose burdens and withhold all political rights is unfair.

E. It increases the likelihood of a right solution of public questions.

1. Political wisdom is gained by the addition of every class consulted.

F. It has worked well in practice.

1. It has made the nation what it is to-day.

G. The arguments brought forward to prove that universal suffrage is inexpedient are unsound.

1. Most of the evils of American politics are due to other causes than a broad suffrage.

w. To corrupt leadership.

x. To the influence of corporations and the money-power.

y. To the

indifference of the better classes. *z.* To bad methods and machinery. 2. Such evils as exist in the exercise of the suffrage can be remedied in less dangerous ways. *x.* By better laws respecting bribery and corruption. *y.* By stricter naturalization laws. *z.* By better residence and registration qualifications.

**III.** An educational qualification is particularly objectionable. A. It is wrong in theory. 1. Education furnishes no index to virtue or public interest. 2. No guarantee for honesty of purpose or a sense of duty. 3. Participation in the suffrage calls primarily for good intentions. B. An educational qualification would work great harm in practice. 1. Power would be taken from the hands of those least able to care for themselves. *x.* The ignorant have greater need for the ballot than the wise. C. An educational qualification would in no way affect existing political evils. 1. Bosses and machines would continue to be as powerful. 2. The influence of money and corporations would not be lessened. 3. The indifference of the better classes would not be removed. D. An educational qualification would represent distinctly a backward step. 1. Practically all qualifications for the suffrage that existed at the beginning of the government have disappeared.

## V

### THE RESTRICTION OF IMMIGRATION

PROPOSITION: Immigration should be further restricted by an illiteracy test.

#### Introduction

GENERAL REFERENCES : A. P. C. Griffin (Library of Congress), *List of Books on Immigration* ; R. Mayo-Smith, *Emigration and Immigration* (Bib.) ; *United States Statutes at Large*, XXXII., Pt. 1, p. 1213 ; Department of Commerce and Labor, *Immigration Laws and Regulations* ; "Immigration into the United States," in *Monthly Summary of Commerce and Finance*, June, 1903 ; Annual Reports of the Commissioner-General of Immigration ; *Twelfth Census*, I., II. ; W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 706, 707 ; J. J. Lalor, *Cyclopædia of Political Science*, II., 85 ; *New International Encyclopædia*, IX., 830 ; *Report of the Industrial Commission*, XV. ; XIX., 957-1030 ; *Senate Reports*, 52nd Cong., 2nd Sess., No. 1333 ; 55th Cong., 1st Sess., No. 13 ; 57th Cong., 1st Sess., No. 2119 ; *Senate Documents*, 57th Cong., 2nd Sess., No. 62 ; *House Reports*, 50th Cong., 2nd Sess., No. 3792 ; 51st Cong., 2nd Sess., No. 3472 ; 52nd Cong., 1st Sess., No. 2090 ; *House Executive Documents*, 52nd Cong., 1st Sess., No. 235, Pts. 1, 2 ; Great Britain, *Report of the Royal Commission on Alien Immigration* ; *Special Consular Reports* (1891), II., 211 ; New York State Bureau of Labor Statistics, *Sixteenth Annual Report* (1898), pp. 953-1040 ; *Congressional Record*, Vols. 22, 23, 24, 28, 29, 31, 36 (see Indexes).

**I.** The question is important.      **A.** The general subject of immigration is important.      **1.** For good or ill it vitally affects the political, social, and economic welfare of the nation.      **B.** The most interesting aspect of the subject probably is whether an illiteracy test should be adopted.      **1.** Such a test passed both houses of Congress in 1897.      **2.** It has since been presented several times.      **3.** It is urged by the Immigration Restriction League and by many statesmen.

**II.** It is generally admitted.      **A.** That the restrictive measures now in force are as follows:      **1.** Idiots, the insane, paupers, diseased persons, convicts, anarchists, polygamists, women for immoral purposes, assisted aliens, and contract laborers are rejected.      **2.** A head tax of two dollars is imposed.      **B.** That the proposed change is as follows:      **1.** In addition to satisfying other requirements, persons between the ages of fifteen and fifty, or approximately, must be able to read or write a few sentences of some language.

**III.** The question whether this change should be adopted seems to present four main issues:      **A.** Is further restriction of immigration desirable for political reasons?      **B.** Is it desirable for social reasons?      **C.** Is it desirable for economic reasons?      **D.** Is the illiteracy test a wise one?

### Brief for the Affirmative

REFERENCES: F. A. Walker, *Discussions in Economics and Statistics*, II., 417-451; John Chetwood, *Immigration Fallacies*; R. M. Atchison, *Un-American Immigration*; J. A. Riis, *How the Other Half Lives*; W. H. Wilkins, *The Alien Invasion*; *Forum*, III., 532; IV., 397; VII., 597; VIII., 428; XI., 398, 634; XIII., 128; XIV., 110, 608; XVI., 560; XXX., 555;

*North American Review*, Vol. 138, pp. 78, 415; Vol. 147, p. 165; Vol. 152, pp. 27, 602; Vol. 154, p. 424; Vol. 156, p. 1; Vol. 163, p. 252; Vol. 164, p. 526; Vol. 165, p. 393; Vol. 175, p. 53; Vol. 179, p. 226; *Atlantic Monthly*, XXIX., 454; LXXI., 646; LXXV., 345; LXXVII., 822; *Annals of American Academy of Political and Social Science*, X., 1; XXIV., 153, 161, 169, 209; *Arena*, II., 269; III., 415; XVII., 722; XVIII., 788; XXVII., 254; *Popular Science Monthly*, XLVIII., 244; XLIX., 625; LXII., 230, 334; *Political Science Quarterly*, III., 46, 197, 409; VII., 232; XIX., 32; *Gunton's Magazine*, XVI., 166; XVIII., 305; *Overland Monthly* (N. S.), XXIII., 166; *Yale Review*, I., 125; *Century*, XLVI., 737; LV., 809; LXV., 683; LXVII., 466-473; *Chautauquan*, XVI., 196; XVIII., 174; XXIII., 551; *Journal of Social Science*, XXVI., 66; *World's Work*, V., 3276; VI., 3598, 4021; VIII., 5254; *New England Magazine* (N. S.), XXIX., 671; XXX., 626; *American Magazine of Civics*, VIII., 64; IX., 235; *Nineteenth Century*, XXX., 583; LII., 905; *Nation*, LII., 108, 312, 354, 401; LVI., 42; *Outlook*, LXXIV., 969; LXXVI., 459; LXXVII., 95, 681; Publications of the Immigration Restriction League.

I. Immigration should be further restricted for political reasons. A. Immigration of the past has been politically harmful. 1. It has injuriously affected State and national politics. *x.* Factional and racial interests have been supported. *y.* Old-world antipathies have been fostered. *z.* American ideals and institutions have been subverted. 2. It has injured local and municipal government. *x.* Ignorant, venal, and docile electors have been introduced. *y.* Corrupt and extravagant administrations have resulted. B. Immigration of the present is politically harmful. 1. Most immigrants have had no training in self-government. 2. They are ignorant and illiterate. 3. They do not appreciate



American institutions. 4. They have anarchistic and socialistic tendencies. 5. Immigrants of this sort cannot but prove harmful. *x*. American institutions were designed for an intelligent electorate trained in self-government. C. The argument that the political evils of immigration can be removed by more stringent naturalization laws is unsound. 1. It is unwise to have a large class excluded from citizenship and the suffrage.

**II.** Immigration should be further restricted for social reasons. A. Immigration of the past has been socially harmful. 1. It has prevented the homogeneous development of the nation. *x*. Native stock has been replaced by foreign. *y*. Foreigners have formed separate communities and have retained their language, customs, and manners. 2. Immigration has contributed out of proportion to the vicious and unfortunate classes. *x*. To the criminal. *y*. The insane. *z*. The pauper. 3. Immigration has caused grave municipal problems. *x*. Abject poverty. *y*. Overcrowding. *z*. Dirt and disease. 4. Immigration has caused serious social disturbances. *x*. Strikes and riots. 5. The argument that immigration has been beneficial socially because it has increased population is unsound. *x*. The natural increase of native population has been checked and replaced by foreign-born. B. Immigration of the present is socially harmful. 1. Too many immigrants are admitted. *x*. Immigration is increasing. *y*. Few are debarred. *z*. The proportion of native to foreign-born is rapidly changing. 2. Many immigrants come from undesirable countries. *x*. Those of Eastern and Southern Europe. 3. Many represent undesirable races. 4. Many represent types least easily as-



simulated. *x*. Those whose habits and standards are least like our own. 5. Many belong to the criminal, pauper, and vicious classes.

III. Immigration should be further restricted for economic reasons. A. Immigration of the past has been economically harmful.

1. It has injured American labor. *x*. By lowering the standard of living. *y*. By causing an over-supply of labor. *z*. By fostering degrading forms of employment. 1'. The sweating system. 2'. The employment of women and children.

2. Immigration has caused distinct financial loss. *x*. Immigrants have brought less than the *per capita* wealth of the nation. *y*. Immense sums have been remitted to Europe. 1'. Whole foreign communities are thus supported.

B. Immigration of the present is economically harmful.

1. Immigrants are chiefly unskilled laborers for whom there is no need.

2. The argument that unskilled laborers are needed is untenable.

*x*. The pioneer work of the nation has been done.

*y*. The present population is sufficient to take up all arable land.

*z*. The governors of many States have attested that no more immigrants are needed.

3. The argument that cheap labor which foreigners furnish is desirable, is untenable.

*w*. Cheap labor affects the distribution, not the production, of wealth.

1'. The share of labor is less. *x*. The highest-priced labor is the most efficient.

*y*. Cheap labor decreases consumption. *z*. High wages stimulate invention.

C. Any economic gain from immigration is more than offset by the political and social evils that it brings.

IV. The illiteracy test is a wise one. A. It is based on sound principles.

1. In making education compulsory, States have made it an essential qualifi-

cation for residence and citizenship. 2. Experience shows that ignorance and illiteracy go hand in hand with political immorality, social unfitness, and economic distress. B. The illiteracy test would work good results. 1. It would exclude outright a large number. 2. It would exclude many who are undesirable in race. *x*. Portuguese, Poles, South Italians, Russians, and Austrians would be chiefly affected. 3. It would exclude many who are undesirable in character. *x*. Paupers. 1'. Illiteracy varies inversely with the amount of wealth brought. *y*. The unskilled. *z*. Persons whose habits and standards are least like those of this country. 4. It would exclude many who are undesirable because of their ultimate destination. *x*. Those who settle in the slums. *y*. Who settle in the most populous States. *z*. Who do not go to the South and West. C. The test is practicable. 1. It is simple. 2. It is easily applied. 3. It furnishes the least chance for fraud and evasion. D. The test is preferable to other methods of restriction. 1. The consular certificate system is impracticable. *x*. A greater force would be required than the United States could command. *y*. Serious complications with foreign governments might follow. *z*. The standard would vary with each consulate. 2. A high capitation tax is undesirable. *x*. Peasants, young men, and families would be discriminated against. *z*. The least desirable classes would not be affected. E. The only real opposition to the illiteracy test is from steamship companies.

### Brief for the Negative

REFERENCES: Friedrich Kapp, *Immigration and the Commissioners of Emigration*; B. Brandenburg, *Imported Ameri-*

*cans*; President Cleveland's veto, in *Senate Documents*, 54th Cong., 2nd Sess., No. 185; J. A. Riis, *The Battle with the Slum*, Chap. 8; *Forum*, VIII., 684; XI., 541; XIII., 360; XIV., 103, 600, 805; XV., 172; *North American Review*, Vol. 134, p. 347; Vol. 154, p. 432; Vol. 156, p. 220; Vol. 158, 494; Vol. 162, p. 649; Vol. 178, p. 558; *Atlantic Monthly*, LXXVIII., 445, 655; LXXXVI., 535; *Journal of Social Science*, II., 1; *Annals of American Academy of Political and Social Science*, XXIV., 187, 223; *Popular Science Monthly*, LII., 387; LXIII., 25; LXIV., 232; LXV., 164, 224, 341, 432; *Political Science Quarterly*, IV., 480; *Arena*, X., 807; XXXII., 596; *American Journal of Sociology*, II., 369; *Century*, LXV., 674, 690; *American Magazine of Civics*, IX., 1; *Chautauquan*, XXXVIII., 33, 333, 433, 533; *American Review of Reviews*, XXVIII., 50; *Social Economist*, V., 21; *New England Magazine*, XXXI., 24; *Harper's Magazine*, XCVI., 429; CIII., 598; *Scribner's Magazine*, XXIX., 301; XXXII., 513; *World's Work*, I., 381; IV., 2644; VII., 4471, 4555; *Nation*, XLV., 108, 518; LII., 360; LIV., 4; LXII., 248; LXIX., 293; LXXVIII., 465; *Independent*, L., 77, 369; LV., 2064; *Outlook*, LXXIII., 29, 260, 555, 968; LXXIV., 1040; LXXVI., 459, 527, 928; LXXVII., 461.

I. Further restriction of immigration is undesirable for political reasons. A. Immigration of the past has been politically helpful. 1. Immigrants have exerted a salutary influence on public affairs. *w.* They have furnished many wise political leaders. *x.* They have made excellent soldiers. *y.* They have been on the right side of moral questions. 1'. Slavery. 2'. Sound money. *z.* They have in no way modified our institutions or ideals. 2. The argument that citizenship and the suffrage have suffered is unsound. *x.* Foreigners as a class have made virtuous and patriotic citizens. *y.* Qualifications for citizenship and the

suffrage must be considered apart from the question of immigration. 3. The argument that municipal politics have suffered is unsound. *x*. Municipal politics have suffered from the indifference of the educated, not from the illiteracy of the foreign-born. B. The present laws exclude all who are politically undesirable. 1. They exclude anarchists, criminals, polygamists, and assisted persons. C. The interests of civilization require that immigration be as free as possible. 1. The United States should pursue the mission of protection and education in which it has accomplished so much.

II. Further restriction of immigration is undesirable for social reasons. A. Immigration of the past has been socially helpful. 1. It has immeasurably increased population. *x*. Settled the West. *y*. Given compactness to the East. 2. It has given vitality and energy to the nation. *x*. The best qualities of European races have been contributed. 3. It has had a great civilizing influence. *x*. The least progressive States are those with the least number of foreign-born. *y*. The most progressive States are those with the greatest number of foreign-born. 4. The argument that immigration has contributed disproportionately to the vicious and pauper classes is untrue. *x*. The proportion of foreign-born, able-bodied criminals and mendicants is not unduly large. B. The present laws exclude all who are socially undesirable. 1. They exclude idiots, the insane, paupers, those likely to become a public charge, diseased and immoral persons. 2. The argument that more Italians and Hebrews should be excluded is untenable. *x*. The Italians are temperate, frugal, orderly, and faithful. *y*. The Hebrews are am-

bitious and quick to succeed, temperate and patriotic. *z.* The cry against these races is as senseless as that against the Germans and Irish used to be. 3. The argument that immigration should be restricted because of the tendency of immigrants to congregate in the slums, is unsound. *x.* A better system of distribution would remedy this. 4. The argument that immigration is increasing is of no weight. *x.* It is less in respect to population and industrial needs than it used to be. 5. The argument that immigrants cannot be assimilated is untrue. *x.* Even in cities where the proportion of foreign-born is greatest, new-comers are readily assimilated. *y.* In the second generation the process is complete.

III. Further restriction of immigration is undesirable for economic reasons. A. Immigration of the past has been economically helpful. 1. It has enabled vast enterprises to be carried out. *v.* Railroads. *w.* Canals. *x.* Highways. *y.* Public works. *z.* Manufacturing industries. 2. It has permitted the rapid development of natural resources. *x.* Agriculture. *y.* Mining. *z.* The redemption of waste places. 3. It has added directly to the nation's wealth. *x.* Large sums have been brought by immigrants. 4. The argument that immigration has been injurious to wage-earners is unsound. *x.* Native wage-earners have been pushed to higher grades of employment. *y.* Wages have constantly risen in the past thirty years. *z.* Prices and the cost of labor have fallen. B. The present laws exclude all who are economically undesirable. 1. They exclude contract laborers, assisted persons, and those likely to become a public charge. 2. The argument that the present laws are insufficient because they per-

mit the labor market to be oversupplied, is unsound. *x*. Laborers come in prosperous times because they are needed. *y*. They return when the demand is less. C. Any further exclusion of immigrants would be economically harmful. 1. It would seriously check enterprise. *x*. Industry cannot be carried on without plentiful labor. 2. It would strengthen the hands of the unions. *x*. A further monopoly of the labor market would be possible.

IV. The illiteracy test is an unwise one. A. It is not based on sound principles. 1. Illiteracy is no criterion of worth. *w*. It has no causal connection with crime or vagrancy. *x*. It is no index to the efficiency of labor. *y*. It is no measure of patriotism or virtue. *z*. It is no indication of general intelligence or ability. B. An illiteracy test would exclude many who are desirable and would admit many who are not. 1. Many of the most thrifty immigrants come from countries which offer no educational advantages. 2. Common sense, health, and energy, the essential qualities, would count for nothing. 3. Criminals, anarchists, the vicious and immoral, would not be affected. C. An illiteracy test is impracticable. 1. It would require an inordinate amount of time. 2. It would permit constant fraud and evasion. 3. To carry it out consistently would be very expensive. D. An illiteracy test is contrary to the spirit of our laws and institutions. 1. Literacy is not required for the suffrage or citizenship, higher privileges than that of residence. E. Whatever evils exist can be remedied by better regulations. 1. By providing for better distribution. *x*. By furnishing detailed information about different sections of the country and their needs. 2. By requiring consular inspection.



*x.* The careful personal investigation of a responsible and trusted official. *y.* The adaptation of the law to each case. *z.* The determination of fitness at home rather than at ports of entry. 3. By prohibiting solicitation by steamship agents and others.



## VI

### CHINESE IMMIGRATION

PROPOSITION: The policy of the United States with respect to Chinese immigration should be continued.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *Select List of References on Chinese Immigration*; R. Mayo-Smith, *Emigration and Immigration*, Chap. 11; I. M. Condit, *The Chinaman as We See Him*; Thomas V. Cooper, *American Politics*, Bk. 1, p. 281; *Laws, Treaty, and Regulations Relating to the Exclusion of Chinese*; *United States Statutes at Large*, XXII., 58; XXIII., 115; XXV., 476, 504; XXVII., 25; XXVIII., 7, 390, 1210; XXXII., Pt. 1, p. 176; *Official Opinions of Attorneys-General*, XXII., 130; *Report of the Industrial Commission*, XV., Pt. 4; Canada, *Report of the Royal Commission on Chinese and Japanese Immigration* (1902); Annual Reports of the Commissioner-General of Immigration; *Annual Cyclopædia*, 1882, p. 162; 1888, pp. 62, 226; 1892, p. 192; 1902, p. 185; *New International Encyclopædia*, IV., 541; W. D. P. Bliss, *Encyclopedia of Social Reform*, p. 240; *Senate Reports*, 44th Cong., 2nd Sess., No. 689; 57th Cong., 1st Sess., No. 776; *Senate Executive Documents*, 48th Cong., 1st Sess., No. 62; 52nd Cong., 2nd Sess., No. 54; *Senate Documents*, 55th Cong., 1st Sess., No. 167; 57th Cong., 1st Sess., No. 300; *House Reports*, 46th Cong., 2nd Sess., No. 572; 51st Cong., 2nd Sess., No. 4048; *House Executive Documents*, 49th Cong., 1st Sess., No. 102;

*Fong Yue Ting v. United States*, 146 *United States Reports*, 698; *Congressional Record*, Vols. 8, 13, 19, 23, 25, 35 (see Indexes).

I. The question is important. A. Because of the terminable character of treaty stipulations. B. The political situation in China. C. The desire of American manufacturers to increase their occidental trade.

II. It is generally admitted. A. That the essential features of the policy of the United States with respect to Chinese immigration have been as follows: 1. Chinese persons, not expressly exempted, have not been permitted to become residents of the United States. 2. The exempted classes have been: *u.* Government officials. *v.* Teachers. *w.* Students. *x.* Merchants. *y.* Travellers. *z.* Returning laborers who are registered.

III. The question whether this policy should be continued seems to present four main issues. A. Are the Chinese undesirable residents for political reasons? B. Are they undesirable for social reasons? C. Are they undesirable for economic reasons? D. Is the policy of exclusion a wise one?

### Brief for the Affirmative

REFERENCES: J. A. Whitney, *The Chinese and the Chinese Question*; W. B. Farwell, *The Chinese at Home and Abroad*; *Chinese Immigration; its Social, Moral, and Political Effect*, Report of the Special Committee to the California State Senate (1878); W. P. Reeves, *State Experiments in Australia and New Zealand*, II., Chap. 4; J. J. Lalor, *Cyclopædia of Political Science*, I., 409; *Senate Miscellaneous Documents*, 49th Cong., 1st Sess., No. 107; *Senate Documents*, 55th Cong., 1st Sess., No. 120; 57th Cong., 1st Sess., Nos. 137, 191; *House Reports*, 51st Cong., 1st Sess., No. 2915; 57th Cong., 1st Sess.,

No. 1231; *House Miscellaneous Documents*, 45th Cong., 1st Sess., No. 9; *North American Review*, Vol. 126, p. 506; Vol. 139, p. 256; Vol. 143, p. 26; Vol. 157, p. 58; Vol. 165, p. 288; Vol. 166, p. 226; Vol. 173, p. 663; Vol. 174, p. 368; *Forum*, VI., 196; XXIX., 584; XXXI., 350; XXXIII., 53; XXXIV., 131; *Arena*, XXIV., 21; XXXII., 113; *National Review*, XXXVIII., 596; *Overland Monthly* (N. S.), VI., 507; VII., 54, 113, 234, 428; *Harper's Magazine*, LXXXII., 515; *International Review*, III., 383; *Quarterly Journal of Economics*, III., 218, 359; *World's Work*, IX., 5626; *Popular Science Monthly*, XX., 721; XXXII., 796; XXXVI., 181; LXVI., 117; *American Law Review*, XXVIII., 734; *Scribner's Monthly*, XIII., 687; *Independent*, LIV., 12; LVI., 947.

I. The Chinese are undesirable residents for political reasons. A. They are a drawback to our government and institutions. 1. They take no interest in public affairs. 2. They have no wish to become citizens. 3. They have no permanent stake in the community. *x*. Their residence is only temporary. *y*. They are without homes or families. B. The Chinese are antagonistic to law and order. 1. They are ignorant of the sanctity of oaths. 2. They are given to perjury, bribery, and the intimidation of witnesses. 3. They are ruled by dangerous secret tribunals. 4. They are organized into lawless associations. 5. They are a constant source of irritation and discontent. C. The Chinese create a system of caste. 1. By forming a servile class. 2. By permitting capital, through cheap labor, to secure an undue share of the fruits of industry.

II. The Chinese are undesirable residents for social reasons. A. They are an inferior and degraded race. 1. They are ignorant. 2. Cruel and savage.

3. Dirty. 4. Idolatrous and superstitious. 5. Deceitful and dishonest. 6. Avaricious. 7. Without conception of the sanctity of marriage. 8. Without desire for social, moral, or intellectual advancement. B. The Chinese are given to detestable social vices. 1. To the traffic and sale of women. 2. To opium-smoking. 3. To gambling. C. The Chinese contaminate the communities in which they live. 1. They herd in squalid surroundings. 2. Spread infectious diseases. 3. Furnish a large criminal class. D. The Chinese create race hatred. 1. Whites refuse to live with them. E. The Chinese cannot be assimilated or improved. 1. They live in isolated groups. 2. They retain their language, habits, and customs. 3. They are untouched by religious or civilizing influences.

**III.** The Chinese are undesirable residents for economic reasons. A. They injure American labor. 1. By lowering the standard of living. *x*. They are able to work for lower wages than Americans. 1'. They live in huts. 2'. Have no families to support. 3'. Require little food or clothing. 2. They throw native workmen out of employment. *x*. Many trades are monopolized by them. *y*. Competition occurs in skilled as well as unskilled occupations. B. The Chinese are a constant drain on the nation's wealth. 1. They contribute nothing to the support of institutions and government. 2. They pay no taxes. 3. They hoard earnings and send them to China. 4. They import food and wearing apparel. 5. They prevent desirable immigration. C. The argument that the Chinese further industrial development by furnishing cheap labor is unsound. 1. Low wages affect the distribution, not the production, of wealth. *x*. The wage-earner's share is

less. 2. The highest paid labor is the most efficient.  
3. High wages stimulate invention.

IV. The policy of exclusion is a wise one. A. It has worked well in the past. 1. The number of Chinese in the United States has decreased. 2. Sections which before suffered have prospered exceedingly. 3. Without the policy of exclusion the United States would have been overrun. *x*. This is shown by the statistics of other immigration. *y*. By the attempts of the Chinese to evade the law. B. The argument that exclusion is contrary to American principles is unsound. 1. The supreme law of any nation is self-preservation. 2. A nation's civilizing influence depends on its own civilization. 3. To receive the Chinese would degrade us without conferring any corresponding benefit. C. Other nations have found restrictive measures necessary. 1. Canada. 2. Australia. 3. New South Wales.

### Brief for the Negative

REFERENCES: G. F. Seward, *Chinese Immigration*; O. Gibson, *The Chinese in America*; L. T. Townsend, *The Chinese Problem*; E. E. Baldwin, *Must the Chinese Go?*; S. E. W. Becker, *Humors of a Congressional Investigating Committee*; *Memorial of the Six Chinese Companies* (1877); *The Other Side of the Chinese Question* (1886); *Senate Executive Documents*, 47th Cong., 1st Sess., No. 148; *Senate Miscellaneous Documents*, 45th Cong., 2nd Sess., Nos. 20, 36; *Senate Documents*, 57th Cong., 1st Sess., Nos. 106, 162; *North American Review*, Vol. 134, p. 562; Vol. 148, p. 476; Vol. 154, p. 596; Vol. 157, p. 52; Vol. 166, p. 85; Vol. 171, pp. 1, 214, 411; Vol. 173, pp. 314, 782; Vol. 178, p. 414; Vol. 179, p. 263; *Forum*, VI., 526; X., 678; XIV., 85; XV., 407; XXIX., 385; XXXII., 598; XXXIII., 59; *Arena*, XXVII., 260; XXXI., 352; *Overland Monthly* (N. S.), VII.,

120, 414; XXIII., 518; XXXVIII., 231, 249; *Popular Science Monthly*, XVI., 270; *Atlantic Monthly*, XXIII., 747; XXV., 223; *Harper's Magazine*, LXXXVI., 3; *New England Magazine* (N. S.), XXVIII., 473; *International Review*, V., 449; VI., 355; X., 51; *Journal of Social Science*, X., 90; *Century*, LIII., 104; *Scribner's Monthly*, II., 61, 286, 494; XII., 862; XIII., 414, 687; XVII., 491; *Nation*, IX., 44, 309; XI., 20; XXII., 241; XXVIII., 130, 145, 316; XXXII., 134; XXXIV., 222, 237; XLII., 206, 272, 396; LVI., 358, 365; LVII., 23; LXXIV., 303; *Independent*, LIV., 692, 801, 858, 974; *Outlook*, LXIII., 709; LXXII., 984; LXXIII., 15; LXXVI., 963, 971.

I. The Chinese are desirable residents for economic reasons. A. They are excellent laborers. 1. They

are industrious. 2. Faithful. 3. They possess great manual dexterity. 4. They are easily and inexpensively handled in large gangs. 5. They do not engage in strikes. B. Labor of this kind is much needed.

1. In many localities. *x*. In the South. *y*. In the West. *z*. In the Philippines. 2. Such labor is needed in many industries. *w*. In cattle-raising. *x*. In mining. *y*. In reclaiming lands. *z*. In manufacturing. 3. It is needed to combat the power of labor bosses.

C. The argument that the Chinese are undesirable because they compete with American laborers is unsound. 1. They compete only in unskilled trades.

2. In such their competition is beneficial. *x*. Native laborers can turn their attention to higher grades of employment. 3. The Chinese will never come in such numbers as seriously to affect American labor.

D. The argument that the Chinese are undesirable because they work for low wages is unsound. 1. Cheap labor enables many industries otherwise impracticable to be carried on. 2. It brings comforts and luxuries



within the reach of all. E. The economic influence of the Chinese is less harmful than that of many classes of Europeans. 1. The Russians. 2. Poles. 3. Italians.

II. The Chinese are desirable residents for social reasons. A. They are not an inferior race. 1. They had a high development when modern European nations were in a rude state. B. They have admirable natural characteristics. 1. They are physically able. 2. Intelligent. 3. Persevering. C. They have many social virtues. 1. They are tractable. 2. Sober. 3. Polite. 4. They have a high estimate of filial virtue. 5. Few are paupers or beggars. 6. Few are criminals. D. The statement that the Chinese are peculiarly given to social vices is untrue. 1. In most respects they are no worse than Americans. 2. They are superior to many classes of Europeans. E. The statement that the Chinese cannot be assimilated is untrue. 1. Many have been Christianized. 2. Many are as much a part of the social order as any foreign born. 3. Their segregation is due to the harsh manner in which they are treated.

III. The Chinese are desirable residents for political reasons. A. They are peaceable and law-abiding. 1. They have no anarchistic or socialistic tendencies. 2. They take no part in social disturbances. *x*. In riots. *y*. Lynchings. *z*. In labor troubles. B. They are less dangerous to the body politic than other immigrants. 1. They cannot become citizens. C. Other nations welcome the Chinese.

IV. The policy of exclusion is unwise. A. It is unwise for political reasons. 1. It is contrary to



American principles and ideals. *x*. To the belief that all men are equally endowed by the Creator. *y*. To the doctrine that the pursuit of happiness is the natural right of all. *z*. To the declaration that no one shall be denied equal rights because of race or color. 2. Exclusion violates the nation's sacred pledges. *x*. It violates treaty stipulations. 1'. The right of exclusion, granted for a time, has been indefinitely extended. 2'. The exclusion which was to be reasonable has been just the reverse. *y*. Exclusion violates the resolution of Congress. 1'. Congress has declared that expatriation is the right of all. 3. Exclusion is inconsistent. *x*. The United States cannot seek the open door in China and deny all rights to the Chinese. *y*. It cannot consistently exclude the Chinese and admit less desirable European immigrants. B. Exclusion is unwise for social reasons. 1. Many admittedly desirable classes are kept out. *x*. Clergymen, physicians, journalists, bankers, authors, hotel proprietors. C. Exclusion is unwise for economic reasons. 1. It is inimical to trade interests. *x*. China is the most important market for many kinds of American goods. *y*. Under the present policy the trade of the United States has fallen off. *z*. That of other nations has increased. D. The argument that if not excluded the Chinese would overrun the United States is untenable. 1. The Chinese are not a migratory race. 2. Nearly all have come from a single province. 3. The Chinese government looks with disfavor on emigration.

## VII

### DIRECT LEGISLATION

PROPOSITION: The system of direct legislation by the people should be more generally adopted in the United States.

#### Introduction

GENERAL REFERENCES: E. P. Oberholtzer, *The Referendum in America*; S. Deploige, *The Referendum in Switzerland* (Bib.); A. L. Lowell, *Governments and Parties in Continental Europe*, II., Chap. 12; F. A. Cleveland, *The Growth of Democracy*, Chaps. 8-10; W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 497, 1178; James Bryce, *The American Commonwealth* (3d ed.), I., Chap. 39; A. B. Hart, *Actual Government*, pp. 78-81; J. J. Lalor, *Cyclopædia of Political Science*, III., 581; G. H. Haynes, "Representation in State Legislatures," in *Publications of American Academy of Political and Social Science*, No. 284; *Annals of American Academy of Political and Social Science*, II., 324; *Yale Review*, IV., 289; *Journal of Social Science*, XXXIII., 213; *English Historical Review*, VI., 674.

I. The question is important. A. Because it has frequently been asserted: 1. That there is widespread distrust of legislative bodies in the United States. *x*. That they do not represent the people. *y*. That they are improperly influenced by corporations and the use of money. B. Because it has also been asserted: 1. That the remedy for these evils lies in the wider appli-

cation of the principles of direct legislation. *x.* Direct legislation has been urged in party platforms. *y.* By leagues. *z.* In books, newspapers, and periodicals.

II. It is generally admitted. A. That direct legislation, as it is commonly advocated, presents two phases. 1. The optional referendum. *x.* A bill passed by a legislative body does not go into effect for a stated time. *y.* If before that time a number of electors petition, it must be presented to the people at an election. *z.* If it fails to receive a majority vote, it does not become a law. 2. The initiative. *x.* On the petition of a number of electors a measure must be framed and presented to the people. *y.* If it receives a majority vote it becomes a law.

III. The question whether a more general adoption of this system is desirable seems to present four main issues. A. Are there evils in representative government in the United States? B. Would these evils be remedied by the adoption of a system of direct legislation? C. Is direct legislation desirable for other reasons? D. Are the results of direct legislation where it has been tried favorable to its further adoption?

### Brief for the Affirmative

REFERENCES: Nathan Cree, *Direct Legislation by the People*; W. J. Sullivan, *Direct Legislation*; W. E. H. Lecky, *Democracy and Liberty*, I., 229-243; E. L. Godkin, *Unforeseen Tendencies of Democracy*; W. D. McCrackan, *Swiss Solutions of American Problems*; G. H. Shibley, *Majority Rule*; Eltweed Pomeroy, *By the People*; G. Bradford, *The Lesson of Popular Government*, II., Chaps. 22, 23; *Senate Documents*, 55th Cong., 2nd Sess., No. 340; *Arena*, II., 503; VII., 548, 696; XVI., 29, 553; XVII., 707, 711; XVIII., 613; XXVI., 425;

XXVII., 533; XXVIII., 119, 464, 517; XXIX., 173, 270, 625; XXX., 268, 606-616; XXXI., 153, 284, 561; XXXII., 128, 406, 446-447; *Annals of American Academy of Political and Social Science*, IV., 883; *Atlantic Monthly*, LXXVIII., 1; LXXX., 35; XCIV., 721; *International Journal of Ethics*, XIII., 133; *National Review*, XXIII., 65; *Contemporary Review*, LVI., 555; LVII., 489; LXXII., 242; *Political Science Quarterly*, XIII., 1; XVII., 609; *Spectator*, LXXI., 904; LXXII., 188; LXXIII., 234, 494; *New England Magazine*, XVII., 448; *Canadian Magazine*, I., 445; *Chautauquan*, XIII., 29; *Cosmopolitan*, XV., 329; *American Law Review*, XXVIII., 683; *North American Review*, Vol. 165, p. 240; Vol. 170, p. 367; Vol. 177, p. 78; *Edinburgh Review*, Vol. 171, p. 135; *Public Opinion*, XVIII., 440; XXIII., 583; *Independent*, LIV., 429; LVII., 1277; *Direct Legislation Record*, I. —

I. There are evils in representative government in the United States. A. The system of representation is bad. 1. Minorities are unrepresented. *x*. Government is by a majority of a majority. 2. Large classes are imperfectly represented. *x*. Laborers. *y*. Clerks. *z*. Middlemen. 3. Small classes are over-represented. *x*. Lawyers. *y*. Bankers. 4. Parties are ostensibly, not really represented. *x*. Platforms and pledges are disregarded. *y*. Opinions on minor issues are not expressed. 5. No opportunity is given to discriminate between issues and men. B. Representatives are not representative. 1. They are ignorant of public needs. *x*. Nomination is secured solely for partisan services. 2. They are indifferent to public opinion. *x*. Responsibility lies only to bosses. C. Legislation is defective. 1. Much of it is wholly bad. *x*. It is induced by improper influences. 1'. Bribery. 2'. Lobbying. 3'. Log-rolling. *y*. It is in behalf of railroads,

corporations, and special interests. *z.* It is against the welfare of the people. 2. Much legislation is defective. *x.* It is drafted with little care. *y.* It is enacted without knowledge or deliberation. 3. Much legislation is unneeded. *x.* Trifling and unimportant matters are taken up. *y.* Unwise and harmful changes are made. *z.* Useless departments, boards, and commissions are established. D. Popular distrust in the representative system is shown in many ways. 1. By limited and biennial sessions. 2. By the extension of the veto power. 3. By constitutional restrictions of legislative power. *x.* Constitutions are now codes of law, not as formerly, bills of right and schemes of administration.

II. The evils of representative government would be remedied by the adoption of a system of direct legislation. A. Representation would be improved. 1. On any question of importance the will of each person could be registered. 2. No class would be more influential than another. 3. All laws could be separately considered. 4. Measures could be regarded apart from men. B. The character of representatives would be improved. 1. Abler and more independent men would be chosen. *x.* The power of parties and bosses would be reduced. *y.* Good men could be selected in spite of bad platforms. *z.* Temptation to evil-doing would be less. C. Legislation would be improved. 1. Special and corrupt legislation would be done away with. *x.* The whole people cannot be bribed, intimidated, or threatened. 2. Hasty, extravagant, and radical legislation would be avoided. *x.* Much time would be given for deliberation. *y.* The people can be trusted to watch their purses. 3. The influence of railroads would be broken. 4. Reforms de-

sired by the majority could be quickly had. 5. Fewer, simpler, and more stable laws would be enacted.

**III.** Direct legislation is desirable for other reasons. A. It would make a more intelligent body of citizens. 1. Interest in public affairs would be stimulated. 2. Discussion would be promoted. 3. Responsibility would be increased. B. Direct legislation would do away with personalities in politics. 1. Issues could be attacked independently of men. C. Direct legislation would increase respect for law. 1. Public opinion would be behind every measure. D. Direct legislation would mitigate the strife and bitterness of parties. 1. The strenuousness of parties would cease as their influence lessened.

**IV.** The results of direct legislation are favorable to its further adoption. A. The results in Switzerland are favorable. 1. Bad legislation has been checked. 2. Good legislation has been secured. 3. Public opinion has been educated. 4. Interest in public affairs has been stimulated. 5. Party animosity has been lessened. 6. The system has rapidly grown in public favor. 7. The statement that the privilege of voting has not been widely exercised is untrue. *x.* There has been no apathy on important questions. *y.* Participation has steadily increased. B. The results of direct legislation in the United States are favorable. 1. In the adoption and amendment of constitutions. 2. In the enactment of statutory laws. *x.* Laws for the removal of capitals, changes of boundaries, and other local questions. *y.* Fiscal, suffrage, and liquor laws. 3. In the government of labor unions.



## Brief for the Negative

REFERENCES: H. S. Maine, *Popular Government*; J. H. Hyslop, *Democracy*, pp. 130-137; G. Bradford, *The Lesson of Popular Government*, II., 189-201, Appendix C.; J. S. Mill, *Considerations on Representative Government*, Chaps. 3-8; J. R. Commons, *Proportional Representation*, pp. 186-193; *Atlantic Monthly*, LXIII., 433; LXXIII., 517; *Arena*, XXIV., 47, 493; *Michigan Political Science Association Publications*, III., 57; *American Journal of Politics*, V., 598; *International Journal of Ethics*, VI., 51; *Macmillan's Magazine*, LXIX., 15; *National Review*, XXIII., 72-80; *North American Review*, Vol. 175, p. 642; *Contemporary Review*, LXVII., 328; *New England Magazine*, XXVI., 434; *Nation*, LVIII., 206; LIX., 152, 193; LXXI., 44; LXXII., 125; LXXIV., 364; *Outlook*, L., 423.

I. The evils of representative government in the United States have been much exaggerated. A. The system of representation is sound. 1. Public affairs must be conducted by a few. *x*. Necessarily. 1'. The people as a whole cannot act. *y*. Desirably. 1'. Some are better qualified to act than others. 2. The argument that under the present system many are not represented is unsound. *x*. Under no system can the will of each person be made law. *y*. A man need not belong to a class to represent it rightly. B. Representatives are as a whole good men. 1. The great majority of every chamber are able, honest, and patriotic. 2. For the others the people alone are responsible. *x*. No boss or machine can nominate or elect contrary to the wishes of the majority. C. Legislation is on the whole good. 1. Its trend is in favor of sound government, philanthropy, and civilization.



2. Corruption and wrong-doing exist in nothing like the extent commonly asserted. *x*. Newspapers make capital of so-called exposures. *y*. There is little opportunity for reply. *z*. A few States are not typical.

3. Wrong-doing is no more prevalent in public than in private affairs.

II. Such evils as may exist would not be remedied by direct legislation.

A. Representation would not be improved.

1. Social and industrial classes as such would be represented no more than now.

2. The position of minorities would be intolerable. *x*. The dominion of the majority would be absolute and unrestrained.

B. The character of representatives would not be improved.

1. They would have less authority. *x*. Their position would be that of drafting clerks.

2. They would have little responsibility. *x*. On all important questions responsibility would be with the people.

C. Legislation would not be improved.

1. Good legislation makes heavy demands. *x*. Trained, intelligent, and disinterested thought. *y*. Minute and careful consideration of details. *z*. Thorough discussion and elucidation.

2. These demands could not be satisfied by the people. *w*. The people would not have the time. *1'*. Time could not be given to master intricate details. *x*. The people would not have the intelligence. *1'*. The needs of administration and sound policy would not be understood. *2'*. Laws would be dealt with according to prejudged notions. *3'*. Measures are more difficult to weigh than men. *y*. The people would not have the power. *1'*. Mischievous parts of good legislation could not be amended or stricken out. *z*. The people would not have the desire. *1'*. They prefer to vote for men in whom they have confidence

rather than measures which they do not understand. 3. The influence of money, corporations, and bosses would not be affected. *x*. The machinery of elections could still be controlled by them.

**III.** Direct legislation is objectionable for other reasons. A. It would wholly change our system of government. 1. The barrier of written constitutions would be shattered. *x*. All laws having popular sanction would stand equally with constitutions. 2. The executive veto would be swept away. 3. The power of the courts to protect fundamental rights would be lost. B. Direct legislation would be made the basis of demagogism. 1. Unwise concessions would be obtained through threats of a referendum. C. Direct legislation is contrary to the teachings of political science. 1. In any form of government limited is preferable to unlimited power.

**IV.** The results of direct legislation are unfavorable to its further adoption. A. The results in Switzerland are unfavorable. 1. Conditions in Switzerland are wholly different from the United States. *w*. Switzerland is small in size and population. *x*. Parties are unorganized. *y*. Only a few laws are presented or needed. *z*. There is no executive veto, and no difference between constitutional and other laws. 2. In Switzerland the referendum has not been a striking success. *w*. It has failed utterly in respect to appropriations. *x*. Bad laws have been approved and good ones rejected. *y*. Only a small per cent of the electorate have voted. *z*. Measures have provoked little public interest or discussion. 3. The initiative in Switzerland has by general consent failed. *x*. It has proved specious, radical, and harmful. B. The re-

sults of direct legislation in the United States are unfavorable to its further adoption. 1. Applications of the principle have for the most part been different from that now advocated. *x*. They have been in regard to the adoption and amendment of constitutions. *y*. As to special, not general legislation. 2. Even under these conditions success has been meagre. *x*. Few have troubled to vote. *y*. There has been little discrimination between good and bad policies.

## VIII

### PROPORTIONAL REPRESENTATION

PROPOSITION: Legislative bodies should be chosen by a system of proportional representation.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *List of Books Relating to Proportional Representation*; J. R. Commons, *Proportional Representation* (Bib.); *Proportional Representation Review*, I., 58 (Bib.); *Municipal Affairs*, V., 230-231 (Bib.); W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 497, 1123; J. J. Lalor, *Cyclopædia of Political Science*, III., 581; *New International Encyclopædia*, XIV., 963; G. H. Haynes, "Representation in State Legislatures," in *Publications of American Academy of Political and Social Science*, No. 284; "Proportional Representation in Belgium," in *American Review of Reviews*, XXI., 583; "Forms of Minority Representation," in *North American Review*, Vol. 113, p. 1.

I. The question is important.      A. Proportional representation has been advocated for more than half a century.      B. It has been adopted to some extent, both abroad and in the United States.      C. By many it is regarded as a fundamental reform.

II. It is generally admitted.      A. That under the system of representation generally in vogue:      1. Politi-

cal divisions are apportioned into small geographical districts. 2. Each district returns a single representative. B. Under a system of proportional representation widely advocated: 1. A number of representatives would be chosen on a general ticket from a large district. 2. Any body of electors of sufficient size could nominate. 3. Parties would elect representatives in proportion to their total vote. 4. A certain number of votes for any ticket would elect.

III. The question whether this plan is preferable to the present system of representation depends apparently on four main issues. A. Is the present system of representation bad? B. Would the evils of the present system be remedied by the adoption of a system of proportional representation? C. Is proportional representation desirable for other reasons? D. Is proportional representation practicable?

### Brief for the Affirmative

REFERENCES: Thomas Hare, *The Election of Representatives*; Thomas Gilpin, *The Representation of Minorities*; J. S. Mill, *Considerations on Representative Government*, Chap. 7; Simon Sterne, *Representative Government*; M. N. Forney, *Political Reform by the Representation of Minorities* (Bib.); S. Dutcher, *Minority or Proportional Representation*; C. R. Buckalew, *Proportional Representation*; *Senate Reports*, 40th Cong., 3rd Sess., No. 271; Alfred Cridge, *Proportional Representation*; Sir John Lubbock, *Representation*; A. E. Dobbs, *General Representation*; *Arena*, VII., 290; X., 767; XIV., 221; XXVIII., 610; XXX., 591; XXXI., 157; XXXII., 269, 403; *Atlantic Monthly*, LXIX., 542, 678; *Forum*, IX., 538; *Annals of American Academy of Political and Social Science*, II., 700; VI., 117, 370-380, 381, 537; VII., 233;

XV., 381; *New England Magazine*, XIV., 116; XV., 698; *New Englander*, XXXIII., 573; XXXIV., 734; *American Magazine of Civics*, VII., 400; VIII., 127; IX., 365; *American Review of Reviews*, VI., 541; *Penn Monthly*, III., 347; IV., 364; *Journal of Social Science*, III., 133, 185, 192; *American Law Review*, VI., 255; *Nineteenth Century*, VI., 141; XV., 293, 703, 716; XVI., 935; XVII., 312; *Macmillan's Magazine*, V., 295; VII., 441; XXII., 376; XXIII., 481; XXVII., 67; *Dublin Review*, XCVIII., 1; *Fortnightly Review*, IV., 350, 421; XXIV., 102; *Contemporary Review*, XLIV., 905; *Westminster Review*, Vol. 121, p. 392; Vol. 169, p. 264; *Public Opinion*, XVIII., 634; *Independent*, LII., 1411, 1479; *Spectator*, LVI., 1444, 1475, 1545; *Nation*, V., 130; XIII., 69; XLIII., 229; LIV., 4; *Proportional Representation Review*, I. —

I. The present system of representation is bad.  
 A. Minorities are not represented. 1. The argument that the non-representation of minorities is not an evil because a representative represents all members of a district, is unsound. *x*. A voter is not represented by an agent whom he would repudiate if he could. 2. The argument that members of minorities are represented by men of their belief from other districts is unsound. *x*. Members from other districts have insufficient knowledge or sympathy. *y*. They have no responsibility. B. Under the present system of representation majorities are over-represented. 1. They elect members out of all proportion to their strength. *x*. In normally constituted districts. *y*. By gerrymandering. 2. The argument that the over-representation of majorities is not an evil is untenable. *x*. A chamber should be a faithful reflection of an electorate. C. The present system of representation secures bad representatives. 1. The best men cannot be nomi-

nated or elected. *x*. Machinery is in the hands of party managers. *y*. The independent voter is without power. 2. Candidates are chosen not for ability, but availability. *x*. They must appeal to voters of many classes. D. The present system of representation intensifies the effect of bad political methods. 1. A few venal voters can turn the scale of an election. E. The present system produces bad legislation. 1. Members are afraid of an independent stand. *x*. They fear to antagonize important interests. 2. Reforms are blocked. *x*. Because they have no spokesman.

II. These evils would be remedied by the adoption of a system of proportional representation. A. Inequalities of representation would be removed. 1. Minorities would be represented in proportion to their numerical strength. 2. Majorities would no longer be over-represented. *x*. Gerrymandering would be stopped. B. The character of representatives would be improved. 1. The power of managers and machines would be decreased. *x*. Voters would control the machinery of nomination. *y*. Bad candidates could be defeated without endangering party success. 2. The power of independent voters would be increased. *x*. All votes would be effective. 3. Political careers would be open to men because of ability. *x*. They could appeal to an electorate in accord with their views. 1'. A much wider area would be given for combinations. *y*. The dominant party would be forced to select better men. C. Bribery would be much less effective. 1. The excessive influence of small factions would cease. D. Better legislation would follow. 1. Reforms of all kinds could get a hearing. 2. Meas-



ures of the majority would be subject to criticism and exposure.

**III.** Proportional representation is desirable for other reasons. A. It would create greater interest in political affairs. 1. Voters in a minority would have an object in political activity. B. It would insure a full vote. 1. No one would be deterred by the fact that his ballot would be wasted. C. It would diminish the oscillations of politics. 1. The disproportionate gain in power which may follow a slight change in the electorate would be prevented. D. It would make legislatures real deliberative bodies. 1. By creating a trained and intelligent opposition. E. The argument that under proportional representation local interests would not be represented is negligible. 1. Representatives should represent electors, not localities. F. The argument that the bad elements of society would secure representation is unsound. 1. They would be represented only in proportion to their actual strength. 2. It is better to have such elements openly represented than secretly influential.

**IV.** Proportional representation is practicable. A. It has been successful wherever it has been tried. 1. In the election of State and municipal assemblies. *x.* In Switzerland. *y.* In Belgium. *z.* In Illinois. 2. In the election of quasi-public bodies. B. The argument that proportional representation is too complex to be practicable is unsound. 1. The elaborateness of the early systems has been done away with. 2. The part of the voter is as simple as under the existing system.

### Brief for the Negative

REFERENCES: Walter Bagehot, *The English Constitution* (2d ed.), pp. 211-221; A. L. Lowell, *Governments and Parties in Continental Europe*, I., 158-159; II., 232-235; M. Ostrogorski, *Democracy and the Organization of Political Parties*, I., 104-114; II., 701-712; *International Journal of Ethics*, I., 129; *North American Review*, Vol. 104, p. 205; *Fortnightly Review*, IV., 49; XXIII., 820; XLIII., 202; *Contemporary Review*, XLV., 714; *Macmillan's Magazine*, V., 480; *Nineteenth Century*, XVII., 312; *Nation*, XXXVII., 347.

I. The objections to the present system of representation are not well taken. A. The so-called non-representation of minorities presents no real evil. 1. All voters are indirectly if not directly represented. *x*. On purely local matters representatives are not bound by party ties. *y*. On matters of public interest voters are well represented by members from other districts. B. The so-called over-representation of majorities presents no real evil. 1. The majority in a chamber in nearly all cases simply accentuates the popular vote. 2. A majority, to make legislation possible or effective, must be considerable. 3. No majority, however large, can be tyrannous. *x*. It is controlled by public opinion. *y*. It is always in danger of being reduced to a minority. C. The objection that the character of representatives is inferior is unsound. 1. Representatives are what electors choose they shall be. 2. No party or machine is able to elect men contrary to the wishes of the people. D. Legislation is on the whole well conceived. 1. Its general trend is along wise and salutary lines. 2. Corrupt practices are by no means so prevalent as supposed.

**II.** Assuming evils to exist, they would not be affected by proportional representation.    **A.** Representation would not be essentially different.    1. No conceivable system would make a chamber a mirror of all opinions.    **B.** Better representatives would not be secured.    1. The success of any scheme depends on the character of the men who work it.    2. Human nature would not be altered.    3. Dominant parties would not nominate better men.    **C.** The effectiveness of bribery would be increased rather than diminished.    1. Large districts would permit the combination of corrupt voters more easily.    **D.** Legislation would not be improved.    1. The actual voting influence of parties would not be changed.    2. The mere representation of minorities would accomplish nothing.    3. The argument that an opposition would be created and reforms would be heard is unsound.    *x.* The minority party to-day creates a more effective opposition than it would if divided.    *y.* Reforms can be advocated as well outside as within a chamber.

**III.** Proportional representation is objectionable for other reasons.    **A.** It would greatly weaken the legislative branch of government.    1. Power of obstruction would be increased.    2. Legislation would constantly tend toward compromise.    3. Consistent policies would be prevented.    4. Much time would be wasted in the consideration of impracticable schemes.    **B.** It would be a severe blow to parties.    1. Responsibility would in large measure be destroyed.    2. A government by small groups would be substituted for one by great parties.    **C.** It would have a bad effect on representation.    1. Local representation would be destroyed.    2. The bad elements of society would be represented.

D. It would defeat great public ends.    **I.** Voters would combine to promote private, not public welfare.

**IV.** Proportional representation is impracticable.  
A. No plan has been proposed which all friends of the reform unite in advocating.    B. No plan has been proposed simple enough to warrant a trial on a large scale.    **1.** The best of the schemes are unintelligible to the average man.    **2.** Even if schemes could be understood they would be impracticable.    *w.* They are cumbersome.    *x.* Costly.    *y.* Inconvenient.    *z.* Slow.  
C. The statement that proportional representation has been successful in practice is untrue.    **1.** Trial has been made only of partial schemes.    **2.** Within small areas.    **3.** With very intelligent electorates.    **4.** No broad extension of the system has ever followed a trial.

## IX

### THE POPULAR ELECTION OF SENATORS

PROPOSITION: A constitutional amendment should be adopted providing that United States senators be elected by direct vote of the people.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *List of References on the Popular Election of Senators; Senate Documents*, 57th Cong., 1st Sess., Nos. 399, 404, 406 (Bibs.); C. H. Kerr, *The Origin and Development of the United States Senate*, pp. 18, 20; H. V. Ames, *Proposed Amendments to the Constitution*, pp. 60-63; Woodrow Wilson, *Congressional Government*, Chap. IV.; J. J. Lalor, *Cyclopædia of Political Science*, III., 702; W. D. P. Bliss, *Encyclopedia of Social Reform*, p. 1221; *Encyclopedia Americana*, XIV., (Senate); *Revised Statutes of the United States*, Secs. 14-19; *Senate Miscellaneous Documents*, 49th Cong., 1st Sess., No. 106; 53d Cong., 2nd Sess., No. 104, p. 229; *North American Review*, Vol. 167, pp. 48, 176; *Congressional Record*, Vols. 23, 26, 28, 31, 33, 35 (see Indexes).

I. The question is important. A. A change in the method of electing United States senators has been widely advocated. 1. The House of Representatives has passed several resolutions to this effect. 2. Similar resolutions have been passed by the legislatures of many States. 3. The change has been advocated in party platforms.

**II.** It is generally admitted.      **A.** That the election of United States senators is now intrusted by the Constitution to the legislatures of the several States. **B.** That the method of election, regulated by Congress, is as follows:      1. Each house of a legislature, shortly after its organization, must take a *viva voce* ballot for senator.      2. If the same person receives a majority vote in each house he is elected.      3. If not, the two houses meet in joint session daily and take at least one *viva voce* ballot until a majority of the votes is cast for one candidate, a majority of each house being present.      **C.** Under the change proposed, senators would be nominated at party conventions and chosen by direct vote of the people.      **D.** To secure this an amendment to the Constitution would be required.

**III.** The question whether such an amendment is desirable seems to present four main issues.      **A.** Is the change in the method of electing senators desirable for its effect on the Senate as a political institution? **B.** Is it desirable for its effect on the character of senators?      **C.** Is it desirable for its effect on State and local governments?      **D.** Is the fact that a constitutional amendment is required a serious objection?

### Brief for the Affirmative

REFERENCES: G. Bradford, *The Lesson of Popular Government*, II., 43, 44; *House Reports*, 52nd Cong., 1st Sess., No. 368, Pts. 1, 2; 53d Cong., 2nd Sess., No. 944; 54th Cong., 1st Sess., No. 994; 55th Cong., 2nd Sess., No. 125; 56th Cong., 1st Sess., No. 88; 57th Cong., 1st Sess., No. 125; *Senate Reports*, 52nd Cong., 1st Sess., No. 794, Pt. 2; 53d Cong., 3d Sess., No. 916; 54th Cong., 1st Sess., No. 530; *Senate Documents*, 55th Cong., 1st Sess., No. 390; *Congres-*

*sional Record*, Vol. 23, Pt. 1, pp. 76-80; Pt. 2, pp. 1267-1270; Pt. 6, pp. 6060-6081; Vol. 27, Pt. 1, pp. 73-76; *Johns Hopkins University Studies*, XI., 547; *Atlantic Monthly*, LXVIII., 227; XCII., 433; *Michigan Political Science Association Publications*, Vol. I., No. 1, pp. 78-97, No. 2, p. 41; *Forum*, XVI., 263, 272; XXI., 385; XXIII., 271; *Arena*, X., 453; XIX., 187; XXI., 311, 391; XXVII., 455; *North American Review*, Vol. 177, p. 897; *Political Science Quarterly*, X., 248; XVII., 650; *American Review of Reviews*, XXIV., 644; XXVII., 219, 399-401; *Nation*, LIV., 44; LXXIV., 222; LXXVI., 104; LXXVII., 375; *Public Opinion*, XII., 500, 524; XIV., 391; XXVI., 388; XXVIII., 516-518; XXX., 133; *Independent*, LII., 1291; LIV., 1672; LV., 106, 278; *Harper's Weekly*, XLIV., 113; *Outlook*, LXX., 695; *Open Court*, VIII., 4009; *Green Bag*, X., 4; *Albany Law Journal*, LXIII., 230.

I. The change in the method of electing senators is desirable for its effect on the Senate as a political institution. A. The present method of election is theoretically unsound. 1. It is the result of a compromise. 2. It is based on political theories long exploded. *x*. Delegated authority. *y*. Distrust of the people. B. In recent years the method of election has worked badly. 1. The Senate has greatly deteriorated. *x*. It is a less dignified and conservative body. *y*. It is subservient to corporate interests. *z*. It is held in contempt by the people. C. These evils would be remedied by the adoption of the method of election proposed. 1. The Senate would be restored to its former prestige. 2. It would be reinstated in popular confidence. D. The argument that the admittedly good qualities of the Senate would be lost by the change is untenable. 1. The good qualities of the body are due to other causes than the method of election. *x*. To



the long tenure of office. *y.* To the age of senators. *z.* To the method of rotation. E. The argument that the representation of the States as such would be lost, is untenable. 1. Each State would still be a unit in the Senate. F. The change is consistent with the political ideals of to-day. 1. The sovereignty of the people.

II. The change is desirable for its effect on the character of senators. A. Under the present method of election undesirable men get to the Senate. 1. State bosses. 2. Machine politicians. 3. Men whose only distinction is wealth. 4. Nonentities. B. Under the proposed method of election better men would be chosen. 1. Only those of ability and reputation could stand the test of a popular campaign. 2. States would reward distinguished sons. C. The charge that the character of senators would be lowered is without foundation. 1. The dignity and long tenure of the office would still attract the best men. 2. The ablest members of the present Senate have held elective offices. 3. Only the undesirable would be excluded.

III. The change is desirable for its effect on State and local governments. A. Under the present method of election grave evils have arisen. 1. Deadlocks in State legislatures have been frequent. *x.* Many States have long been unrepresented in the Senate. *y.* The business of legislatures has been seriously neglected. 2. Confusion of State and national issues in elections has been common. *x.* Legislators have been chosen for their preference for a candidate for senator. *y.* Views on local and State issues have been disregarded. 3. Undue representation has been given to minorities. *x.* Through gerrymandering and the caucus, senators have been chosen by the representatives of a small

minority. 4. Bribery has been common. *x*. Many senators have owed their election to the illegal use of money. B. Under the proposed method of election these evils would be wiped out. 1. Deadlocks would cease and State needs would be attended to. 2. Legislators would be elected for their views on State issues only. 3. The majority would elect. 4. Bribery would be greatly diminished. *x*. It is easier to bribe a legislature than a State.

IV. The fact that a constitutional amendment is required is not a serious objection. A. The Constitution has already been amended. B. States frequently find it necessary to change their organic law. C. It is folly to suppose that the Constitution, designed for the needs of a century ago, can continue unamended.

### Brief for the Negative

REFERENCES: *Senate Reports*, 52nd Cong., 1st Sess., No. 794, Pt. 1; 54th Cong., 1st Sess., No. 530, Pt. 2; *Senate Documents*, 54th Cong., 2nd Sess., No. 26; *Congressional Record*, Vol. 23, Pt. 4, pp. 3191-3200; Vol. 25, Pt. 1, pp. 101-110; James Bryce, *The American Commonwealth* (3d ed.), I., Chap. XII.; H. C. Lodge, editor, *The Works of Alexander Hamilton*, I., 448-496; *Elliot's Debates*, V., 166-170; *The Federalist*, No. LXII.; *Forum*, XVIII., 270; XXIII., 129; *Scribner's Magazine*, XXXIV., 541; *Century*, LXV., 499; *American Journal of Politics*, V., 598; *Public Opinion*, XV., 46; XXII., 485; *Arena*, XXIV., 14; *Outlook*, LXI., 27; *Independent*, LII., 1292; *Open Court*, VIII., 4034-4035.

I. The change in the method of electing senators is undesirable because of its effect on the Senate as a political institution. A. The present method of election is wisely conceived. 1. The best legislatures

are those of two houses chosen in a different manner.

*x*. Both the radical and the conservative tendencies of a nation are thus represented. *y*. The upper house is given independent force. 2. The average legislator is better qualified than the average citizen to select good men. 3. The permanent and not the transient ideals of the people have effect. 4. National representation is given to the States as such. B. The present method of election has worked well in practice.

1. The Senate has generally been conceded to be the best upper chamber in the world. *x*. It has been dignified, conservative, and orderly. *y*. It has been a constant check on the House of Representatives. *z*. It has been widely copied. C. The change in the method of election proposed would bring grave evils.

1. It would transfer power in the States, now evenly distributed, to the cities and centres of population. 2. It would substitute pluralities for majorities in voting. 3. It would alter the relation of the States to the general government and absolve the larger States from their obligation not to deprive the smaller ones of equal representation. 4. It would transfer elections to nominating conventions which exist only for a day, have no personal responsibility, and which do not represent public opinion. 5. It would put an end to the check which a majority of the States have on the legislative powers of the people. 6. It would destroy the conservatism of the Senate. *x*. Members would be more solicitous of passing opinion. *y*. Re-election and consequently long tenure would be less likely. 1'. The people do not re-elect.

II. The change is undesirable because of its effect on the character of senators. A. Under the present

system the best men in public life get into the Senate.

1. Senators are able. 2. Reputable. 3. Experienced. 4. The statement that the character of senators is not what it formerly was is beside the point. *x*. The ideals of the nation have changed. *y*. There are no more men of wealth in the Senate to-day, in proportion to the wealth of the country, than there used to be. *z*. Bosses and machine politicians could secure election under any system. B. The proposed change would degrade the character of senators. 1. They would be reduced to the level of governors and representatives. 2. A popular personality rather than a reputation for statesmanship would secure the nomination and election.

III. The change is unnecessary on account of the alleged evils in State and local governments. A. It is unnecessary on account of deadlocks. 1. Deadlocks have occurred in only a few States. 2. Though balloting be protracted, the work of legislatures need not be interfered with. 3. Little harm is done if it is. 4. Such difficulties as exist can be remedied by substituting plurality for majority voting. B. The change is unnecessary on account of confusion of State and national issues. 1. Although possible in theory, confusion has seldom occurred. C. The change is unnecessary on account of minority representation. 1. Minority representation has caused little real injustice. 2. It can be remedied by proper State legislation. D. The change is unnecessary on account of bribery. 1. Few well-authenticated cases of bribery can be found. 2. No State election is free from it.

IV. The fact that a constitutional amendment is required is a very grave objection. A. Such an

amendment would be the first change in the organic structure of the Constitution.    1. Former changes have been of small importance.    B. It would pave the way for other amendments.    1. For the popular election of President and the judiciary.    C. It would lead to much unwise and revolutionary legislation.    1. To a federal election law.    2. To socialistic undertakings.

## X

### THE RETENTION OF THE PHILIPPINES

PROPOSITION: The United States should permanently retain the Philippine Islands.

#### Introduction

GENERAL REFERENCES: "Bibliography of the Philippine Islands," in *Senate Documents*, 57th Cong., 2nd Sess., No. 74; D. C. Worcester, *The Philippine Islands and their People*; John Foreman, *The Philippine Islands*; J. E. Stevens, *Yesterdays in the Philippines*; R. R. Lala, *The Philippine Islands*; G. J. Younghusband, *The Philippines*; Charles Morris, *Our Island Empire*, Sec. 4; *New International Encyclopædia*, XIV., 19 (Bib.); *Encyclopædia Britannica*, XXXI. (New), 664; *International Year Book*, 1902, p. 535; *Encyclopedia Americana*, XII. (Philippine Islands); Annual Reports of the Philippine Commission; *The Foreign Policy of the United States*; *Forum*, XXVIII., 29; XXIX., 703; *Century*, LVI., 563; *Scribner's Magazine*, XXIV., 12; *Overland Monthly* (N. S.), XXXI., 546; *Cosmopolitan*, XXIII., 587; XXVI., 379; XXVII., 121; *Political Science Quarterly*, XIV., 1, 19; XVI., 68; *American Review of Reviews*, *Outlook*, *Independent*, *Nation*, *Public Opinion*, 1898 — (see Indexes); *Senate Documents*, 55th, 56th, 57th, 58th Congresses (many documents; see Document Indexes).

I. The question is important.      A. A great political problem is presented.      1. The future of the United

States as a colonizing power. B. A great economic problem. 1. The importance of the Philippines in commercial expansion. C. A great social problem. 1. The relation of a superior to an inferior race.

II. It is generally admitted. A. That those who favor the permanent retention of the Philippine Islands believe: 1. That though the United States may give the Islands a large measure of local autonomy, sovereignty should never be relinquished. B. That those who oppose permanent retention believe: 1. That the people of the Islands should be permitted to establish an independent self-government at the earliest possible moment. 2. That a declaration to this effect should be made by the United States at once.

III. The question which is thus presented seems to rest on four main issues. A. Is the retention of the Philippine Islands desirable for political reasons? B. Is it desirable for economic reasons? C. Is it desirable for military and naval reasons? D. Is retention morally right?

### Brief for the Affirmative

REFERENCES: Senator Beveridge, in *Congressional Record*, Vol. 33, Pt. 1, pp. 704-712; Senator Foraker, in *Congressional Record*, Vol. 35, Pt. 6, pp. 5288-5302; *North American Review*, Vol. 166, pp. 641, 759; Vol. 167, pp. 257, 326, 385; Vol. 168, pp. 129, 310; Vol. 169, p. 164; Vol. 170, p. 272; Vol. 171, pp. 246, 333; Vol. 173, pp. 208, 577; Vol. 174, p. 73; Vol. 176, p. 236; Vol. 179, p. 291; *Forum*, XXV., 534; XXVI., 14, 279, 641, 650; XXVII., 33, 47, 441; XXIX., 401; XXX., 265-270; *Atlantic Monthly*, LXXXI., 577; LXXXII., 552; LXXXIII., 145; LXXXIX., 366; XCII., 256; XCIV., 577; *Annals of American Academy of Political*



*and Social Science*, XII., 173; XVI., 227; XVII., 381; XVIII., 21-63, 568; XIX., 340, 370, 392; XX., 307-327, 466; XXI., 132, 142, 507; XXII., 403; XXIII., 405; XXIV., 141; *Arena*, XX., 453; XXII., 570, 575; XXIV., 281; XXVII., 337; XXXII., 496; *Harper's Magazine*, XCVII., 619; XCIX., 469; C., 311; *Overland Monthly* (N. S.), XXXII., 364; XXXIV., 310, 491; XXXV., 23; XLI., 113; XLII., 311; *Munsey's Magazine*, XIX., 522, 665; XXI., 32, 193, 689; *Political Science Quarterly*, XIII., 585; XVII., 460; *Century*, LVI., 555, 788, 873; LXI., 129; *Scribner's Magazine*, XXVII., 739; *International Monthly*, V., 358; VI., 215; *World's Work*, IV., 2344; IX., 5571; *Nineteenth Century*, XLVIII., 393; *Spectator*, LXXXI., 821; LXXXII., 191.

I. The retention of the Philippine Islands is desirable for political reasons. A. It is consistent with the past policy of the nation.

1. The history of the United States has been one of territorial expansion accompanied by the retention of the acquired land. 2. The fact that the nation has for the first time entered the Eastern Hemisphere is immaterial. *x*. Steam and electricity have obliterated the importance of national boundaries.

B. The retention of the Islands will improve domestic politics.

1. A better civil service will be developed. *x*. Its value will be more appreciated. 2. Administrative ability will be encouraged. *x*. The field for its display will be much broader. 3. Domestic issues will be raised to a higher plane. *x*. A broader political horizon diminishes petty political differences.

C. The retention of the Islands will improve the nation's foreign relations.

1. Greater respect will be paid the United States by other Powers. 2. International jealousy and distrust will be avoided. *x*. No other government will covet the territory.

3. The United States

will be placed in an impregnable position for future dealings. *x*. The political battles of the twentieth century will be for commercial supremacy.

**II.** The retention of the Islands is desirable for economic reasons.

A. Valuable territory will be permanently acquired.

1. The area is large. 2. The soil is fertile. 3. Natural resources abound.

*x*. Mineral deposits. *y*. Vegetable productions.

B. Foreign commerce will be enhanced. 1. A large trade with the Islands is assured.

*x*. Trade follows the flag. 2. Trade with the rest of the Orient will be placed upon a firm foundation.

*x*. The Islands furnish an invaluable point for distribution. *y*. Political supremacy is necessary to secure any large part of oriental trade.

C. The retention of the Islands will increase domestic prosperity.

1. American producers need larger foreign markets. *x*. In many fields the home market has been exhausted.

1'. Manufacturing and natural production have increased faster than population and consumption.

2. American capital will find a new outlet.

3. A more liberal domestic commercial policy is likely to result.

D. The argument that the retention of the Islands will be expensive is untenable.

1. By far the greatest part of the expense has now been met. 2. The Islands can ultimately be made self-supporting.

**III.** The retention of the Islands is desirable for military and naval reasons.

A. The Islands will be valuable in time of peace.

1. A base will be provided for the fleet which must always be kept in Eastern waters.

B. They will be invaluable in time of war.

1. A seat of unusual strategic importance will be furnished. *x*. Important because of position. *y*. Because of strength. *z*. Because of resources.

2. The people of the Islands

can be developed into an admirable fighting force.  
*x*. The experience of the war shows this.

IV. The retention of the Islands is morally right.

A. It is right as far as the United States is concerned.

1. The United States is morally responsible for the welfare of the Islands. 2. In no way can this obligation be fulfilled except by retention. *x*. The Islands

cannot be returned to Spain. *y*. They cannot be given or sold to another Power. 1'. Even those who object to retention by the United States do not advise this.

*z*. Self-government by the people is impossible. 1'. The people are not a unit politically, geographically, or ethnographically. 2'. They have no common language, manners, or customs. 3'. They are unfitted by antecedents and training. 4'. They are led by dishonest and unscrupulous leaders. 5'. The great mass have no wish for independence. 3. No promises inconsistent with permanent retention were ever made by the United States.

B. Retention is right as far as the people of the Islands are concerned. 1. The condition of the people is better under American than under any other rule. *x*. It is much better than it was under Spanish. *y*. It is better than it would be under any other foreign Power. 1'. The moral obligation of the United States is greater. *z*. It is better than it would be under independent self-government. 1'. An honest and capable administration of affairs is assured. 2'. The evils which would follow self-government will be avoided. 3'. A large measure of individual liberty and local control will be permitted. 4'. The people will be educated and elevated according to higher ideals than their own. 5'. Their economic condition will be immensely improved.

C. Retention is right as far as civilization

in general is concerned. 1. Civilization is retarded when a semi-barbarous people attempt to govern themselves. 2. The whole trend of history shows the absorption of minor by major States. 3. The Anglo-Saxon race is best fitted to accomplish this task with justice and wisdom.

### Brief for the Negative

REFERENCES: D. S. Jorden, *Imperial Democracy*; A. G. Robinson, *The Philippines*; H. Welsh, *The Other Man's Country*; E. Atkinson, *Facts and Figures*, pp. 139-202; J. G. Shurman, *Philippine Affairs*; C. F. Randolph, *The Law and Policy of Annexation*; Senator Hoar, in *Congressional Record*, Vol. 33, Pt. 5, pp. 4278-4307; Vol. 35, Pt. 6, pp. 5788-5798; *North American Review*, Vol. 167, p. 239; Vol. 168, pp. 1, 112, 362, 433; Vol. 169, pp. 425, 885, 894; Vol. 170, pp. 54, 295; Vol. 172, pp. 1, 161, 867; Vol. 173, p. 145; Vol. 174, pp. 409, 606; Vol. 175, pp. 299, 811; Vol. 179, pp. 282, 860; *Forum*, XXVI., 177; XXXII., 594, 662; XXXIII., 387; *Arena*, XX., 445; XXI., 84, 736; XXII., 554; XXIII., 1, 247, 321, 331, 337, 458, 561, 565; XXIV., 337; XXV., 465, 521; XXVII., 561; XXVIII., 1, 113; XXIX., 48; *Gunton's Magazine*, XVIII., 411; XXII., 303, 485, 502; XXIII., 159; XXIV., 25, 220; *Popular Science Monthly*, LV., 62, 186, 472; LXI., 222; *Political Science Quarterly*, XIV., 240; *Harper's Magazine*, XCVII., 609, 720; *Century*, LVI., 781; *Cosmopolitan*, XXVI., 351; XXX., 561; *International Journal of Ethics*, X., 307; XII., 360; *World's Work*, IV., 2348; *Overland Monthly* (N. S.), XXXV., 695; *National Review*, XXXVI., 52; *Fortnightly Review*, LXXVI., 226; Publications of the Anti-Imperialist leagues.

I. The retention of the Islands is undesirable for political reasons. A. It is contrary to fundamental principles of this government. 1. Political

independence. 2. Universal citizenship. 3. Universal suffrage. 4. Non-participation in foreign affairs. 5. Territory to be acquired only to be made into sovereign States. B. Retention of the Islands will give rise to great political evils. 1. The Constitution was not designed for the government of colonies. 2. We are not skilled in colonial administration. 3. The power of the spoils system will be increased. 4. The Islands will be a constant field of irritation and discontent. 5. The Monroe Doctrine will be nullified. 6. An alliance with other Powers for colonial purposes will be inevitable. 7. Our contentions in China will be weakened. *x*. We cannot insist on the open door with China and exclude trade from the Philippines.

II. The retention of the Islands is undesirable for economic reasons. A. The cost will be very great. 1. For administration. 2. For education. 3. For internal improvements. 4. For military and naval defence. 5. The probable cost is well shown by experience. *x*. By our own experience thus far. *y*. By the experience of other colonial Powers. B. Of the cost, the Islands can pay little. 1. The natives are indolent. 2. Labor conditions are very bad. 3. The natural resources have been greatly exaggerated. C. The commercial advantages which the United States will obtain are slight. 1. The trade of the Islands is inconsequential. 2. Of such as it is, the greatest share can be obtained in open competition. 3. The statement that trade follows the flag is untrue. *x*. Trade goes to the cheapest producer. 4. The argument that the Islands are necessary to the control of the

Chinese market is unsound. *x*. The Chinese market can be cared for from two or three ports which could be retained, or from a Chinese station. *y*. A more liberal treatment of the Chinese in America will do more for trade than any amount of political supremacy in the Philippines.

**III.** The retention of the Islands is undesirable for military and naval reasons. A. The Islands will be a burden in time of peace. 1. The presence of a large military and naval force will always be required. *x*. To preserve order. *y*. To make demonstrations of force. B. The Islands will be an element of great weakness in time of war. 1. They will be the first point of attack. *x*. They were in the war with Spain. 2. Their defence will be very difficult. *x*. Because of the unfriendly attitude of the people. *y*. Because of the extensive seacoast. *z*. Because of the distance from the United States.

**IV.** The retention of the Islands is morally wrong. A. The people deserve independence. 1. They fought for it long and courageously. 2. They failed only because of the superior force of the United States. B. The people are capable of independent self-government. 1. The great majority are civilized and homogeneous. 2. They have able civil and military leaders. 3. The government they established was one of power and authority. 4. They are much more capable of self-government than the Cubans. C. The United States is incapable of governing the people well. 1. We have insufficient knowledge or experience. 2. We are lacking in sympathy and appreciation. 3. The people distrust us. D. To deny the

people independence is a great breach of faith on the part of the United States. 1. The people were led to believe that the United States was their ally and would assist them to secure freedom. 2. They were provided with arms and co-operated with.



## XI

### THE MONROE DOCTRINE

PROPOSITION: The Monroe Doctrine should be continued as a part of the permanent foreign policy of the United States.

#### Introduction

GENERAL REFERENCES: A. B. Hart, *Handbook of History, Diplomacy, and Government*, Secs. 20 f, 46, 79 (Bibs.); D. C. Gilman, *James Monroe* (Bib.); President Monroe's Message, in J. D. Richardson's *Messages and Papers of the Presidents*, II., 207; M. Hill, *Liberty Documents*, Chap. 20; "Extracts from Official Declarations of the United States Embodying the Monroe Doctrine, 1789-1891," in *American History Leaflets*, No. 4; Francis Wharton, *Digest of the International Law*, Sec. 57; W. C. Ford, "The Genesis of the Monroe Doctrine," in *Massachusetts Historical Society Proceedings*, 2nd Ser., XV., 373-436; Freeman Snow, *American Diplomacy*, pp. 237-294; Dispatches of Mr. Olney and Lord Salisbury, in *Foreign Relations of the United States, 1895*, Pt. 1, pp. 542-576; W. F. Reddaway, *The Monroe Doctrine*; G. F. Tucker, *The Monroe Doctrine*; J. H. Latané, *Diplomatic Relations of the United States and Spanish America*; J. B. McMaster, *History of the People of the United States*, V., Chap. 41; *Annals of American Academy of Political and Social Science*, VII., 1; XXII., No. 1; *Political Science Quarterly*, XI., 1; *North American Review*, Vol. 133, p. 241; *Fortnightly Review*, LXX., 357; *Independent*, LIV., 721.

**I.** The question is important.      **A.** It presents probably the most widely controverted as well as the most important phase of the foreign policy of the United States.      1. The Monroe Doctrine has been called the foundation of the nation's policy with respect to American affairs.      2. In recent years it has been both sharply criticised and vigorously reasserted as a doctrine of permanent interest.

**II.** It is generally admitted.      **A.** That the circumstances which gave rise to the Monroe Doctrine were two.      1. The claim of Russia to occupy territory in the Northwest.      2. The threatened intervention, by a combination of European Powers, to reimpose Spanish rule on revolted South American States.      **B.** President Monroe's announcement was:      1. That the American continents were not to be considered subjects for future colonization by European Powers.      2. That any intervention in South American affairs would be regarded as manifesting an unfriendly spirit toward the United States.

**III.** Probably it also will be admitted.      **A.** That the Monroe Doctrine has been somewhat developed since its announcement in 1823.      **B.** That as it exists to-day it might be stated thus:      1. The interest of the United States in American affairs is paramount.      2. The United States will resist, forcibly if necessary, all European aggression.      *w.* The acquisition of new territory or dominion.      *x.* Political intervention.      *y.* The extension of existing boundaries.      *z.* The transfer of territory or sovereignty, if inimical to the interests of the United States.

**IV.** The question whether this doctrine should be continued as a part of the permanent foreign policy of

the United States seems to present four main issues.  
 A. Is the Monroe Doctrine supported by authority?  
 B. Is it supported by reason? C. Is it supported  
 by the experience of the past? D. Is it supported  
 by the necessities of the future?

### Brief for the Affirmative

REFERENCES: John W. Foster, *A Century of American Diplomacy*; J. A. Kasson, *The Evolution of the United States Constitution*, pp. 223-273; Theodore Roosevelt, *American Ideals*, Chap. 11; J. B. McMaster, *With the Fathers*, pp. 1-54; S. E. Baldwin, *Modern Political Institutions*, Chap. 13; John Chetwood, *Manila, or Monroe Doctrine?* President Cleveland's Message, in *Senate Documents*, 54th Cong., 1st Sess., No. 31; *Forum*, XX., 713; XXX., 722; *North American Review*, Vol. 133, p. 523; Vol. 160, p. 651; Vol. 169, p. 448; Vol. 176, pp. 185, 728, 881; *Arena*, XXIII., 247; *National Review*, XXVI., 595; XXVII., 156; XL., 871; *Harper's Magazine*, Vol. 109, p. 857; *Nineteenth Century*, LII., 533; *Chautauquan*, XXII., 549; XXXVI., 43; *American Review of Reviews*, XX., 560; *Century*, LXII., 283, 405; *Gunton's Magazine*, X., 1, 81, 84, 232; *Outlook*, LXX., 371; *Spectator*, LXXV., 478; LXXXIX., 280; *Saturday Review*, LXXX., 794.

I. The Monroe Doctrine is supported by authority.  
 A. It is supported by the authority of international law.  
 1. Every State has the right to resist the acts of another against a third which menace its peace, security, or welfare. 2. The argument that no State can interfere in the affairs of another without assuming responsibility, is not pertinent. *x*. The United States does not seek to control the conduct of any State in its relations with others. B. The Monroe Doctrine is supported by the practice of nations. 1. It has been declared and

followed by the United States for three-fourths of a century. 2. It has always been acquiesced in by foreign nations. C. The doctrine is supported by national precedent and policy. 1. It is the embodiment of ideas as old as the government. *x*. Washington, Jefferson, Madison, and Adams expounded it in various forms. 2. It has been uniformly declared and acted upon by the executive branch. *x*. Every President who has referred to it has re-affirmed it. 3. It has been uniformly accepted and acted upon by Congress. *x*. Every resolution relating to it has been in its support. 4. Every Latin-American republic has at some time affirmed it. 5. The fact that it has never been enacted or resolved in words by Congress is unimportant. *x*. Congress has wisely preferred to leave the application to the executive branch.

II. The Monroe Doctrine is supported by reason. A. It is based on sound political principles. 1. On the right of self-defence. 2. On the duty of preserving the peace and safety of the nation. 3. On the paramount interest of the United States in American affairs. 4. On the desirability of preserving republican institutions. B. The doctrine presents an admirable working rule. 1. It need not be invoked under the most trying circumstances. 2. It may be resorted to when the interests of the United States are only remotely affected. C. The argument that the doctrine to-day is not that of Monroe and that the extensions are unjustifiable, is unsound. 1. The underlying principle is the same. 2. The development has been consonant with the development of the interests and power of the United States. 3. The danger of permitting European nations forcibly to extend their

territory and to transfer sovereignty is the same as that of colonization. D. The statement that the doctrine is unreasonable, as it permits South American States to disregard their obligations, is untrue. 1. The United States has always allowed European Powers to make armed demonstrations and to punish breaches. E. The argument that if the interests of the United States are endangered, no advantage can be had from asserting the Monroe Doctrine is unsound. 1. A protest acquires weight because of the historical precedents on which it may be based. 2. The mere fact that the doctrine exists prevents complications.

III. The doctrine is supported by the experience of the past. A. It has been of great value to South America. 1. It has made possible the independent existence of South American States. *x*. They have been preserved from the ambition and intrigues of European diplomacy. 2. It has insured the stability of republican institutions. B. The doctrine has been of great value to the United States. 1. It has given the undisputed supremacy of the Western world. *x*. Hostile and powerful nations have been prevented from encamping near by. 2. It has strengthened our position among the world Powers. *x*. A definite policy has been presented and courageously insisted upon. 3. It has made for international peace. *x*. The quarrels of the old world have been kept out of the new. *y*. Assertions of the doctrine have always had the effect of averting war. 4. It has made for national progress and prosperity. *x*. The country has been relieved from the expense of enormous fleets and armies.

IV. The doctrine is demanded by the necessities of the future. A. It is essential to the welfare of

South America. 1. Without it the colonization and partition of South America is inevitable. *x*. The pressure of the overflow of European population is enormous. *y*. Colonies of Europeans are already settled in many parts of the continent. *z*. Only the Monroe Doctrine prevents a repetition of what has happened in Africa and China. 2. The argument that the countries of South America would be better off as European colonies is untenable. *w*. The people are a strong and progressive race. *x*. They have high hopes and ambitions. *y*. They have made much progress. *z*. The continent as a whole cannot be judged by the history of a few States. B. The doctrine is essential to the welfare of the United States. 1. To abandon it would seriously impair national prestige. *x*. The pre-eminence of the United States on the Western continent would be destroyed. 2. Grave national dangers would constantly threaten. *x*. The country would be hemmed in with the forts and naval stations of rival Powers. 3. The burden of government would be enormously increased. *x*. A much larger army and navy would be necessary.

### Brief for the Negative

REFERENCES: A. B. Hart, *Foundations of American Foreign Policy*, Chap. 7 (Bib.); J. B. Henderson, *American Diplomatic Questions*, Pt. 4; T. S. Woolsey, *America's Foreign Policy*, pp. 223-238; E. J. Phelps, "The Monroe Doctrine," in *America and Europe*, Chap. II.; *Forum*, VII., 192; XX., 456, 705; *North American Review*, Vol. 173, p. 832; Vol. 176, pp. 321, 518; *Political Science Quarterly*, XI., 30, 44; XIV., 355; *Michigan Political Science Association Publications*, II., 101; *American Historical Review*, VII., 77, 676; VIII., 28; *Fortnightly Review*, LXXVI., 1013; LXXVIII., 837;



*Westminster Review*, Vol. 145, p. 271; Vol. 149, p. 237; Vol. 150, p. 171; Vol. 159, p. 125; *Nineteenth Century*, XL., 849; LIII., 587; *Popular Science Monthly*, XLIX., 433; *Chautauquan*, XXXIV., 469; *American Law Review*, XXIX., 839; *New Liberal Review*, III., 205; *Saturday Review*, LXXXV., 721; XLIV., 256; *Nation*, XXXIV., 9; LX., 356; LXI., 304; LXII., 4, 30, 90; LXVI., 368; *Independent*, LV., 9.

I. The Monroe Doctrine is not supported by authority. A. It has no place in international law.

1. It is sanctioned by no recognized rule. 2. The argument that every State may interfere to protect its interests from foreign aggression is not pertinent.

3. No nation can assume, with reference to independent States for whose conduct it acknowledges no responsibility, that its interests are involved in whatever may happen to them simply because they are in the same hemisphere.

4. No nation can insert a principle in international law not accepted or recognized by other nations.

B. The Monroe Doctrine is not supported by the practice of nations. 1. It has never been accepted or recognized by any Power. 2. It has been distinctly repudiated.

C. The doctrine is not supported by the law of the land. 1. It has never received legislative approval, by resolution or by statute.

2. The executive branch has no authority to determine questions of national policy.

D. The doctrine is not supported by uniform precedents. 1. It has been disregarded on many occasions when it might have been appealed to.

II. The Monroe Doctrine is not supported by reason.

A. It is not the doctrine of Monroe. 1. Monroe did not threaten force. 2. He stated simply that certain acts would be regarded as manifesting an unfriendly



spirit. 2. Monroe did not guarantee the maintenance of existing boundaries. B. The circumstances which called forth the doctrine have long ceased to exist. 1. No combination of Powers is seeking to overthrow republican institutions. 2. All parts of America are under the rule of civilized nations. C. The doctrine is inconsistent. 1. The United States admits no responsibility, yet asserts the right to interfere between South America and the rest of the world. 2. The United States forbids intervention in South America, but intervenes in Europe and Asia. D. The doctrine is unnecessary. 1. When any interest of the United States worth insisting on is affected, the Monroe Doctrine is superfluous. *x*. The danger itself is ample ground for action. *y*. The nation's position gets no additional force from being labelled with a worn-out maxim.

III. The doctrine is condemned by the experience of the past. A. It has been disadvantageous for South America. 1. It has permitted wide-spread anarchy and disorder. *x*. Illegally constituted governments. *y*. Many revolutions. 2. It has condemned to self-government people who are wholly incapable. *x*. They have been unable to keep the peace. *y*. Unable to protect the lives and property of residents. 3. It has caused complete industrial stagnation. *x*. Much of South America is barely explored. *y*. The population is small. *z*. Rich mineral and agricultural resources are undeveloped. B. The doctrine has been disadvantageous for the United States. 1. It has been a constant menace to peaceful and friendly relations. *x*. The nation has been made to assume positions without regard to its real interest. *y*. Grave complications

have been caused over unimportant questions. 2. Except in the instances that called it forth, the doctrine has been of no service. *x*. On the only occasion since 1823 that the security of the United States was endangered it was not invoked. 1'. The French occupation of Mexico.

IV. The doctrine is condemned by the prospects of the future. A. It will be injurious to the future welfare of South America. 1. South America will be condemned for many years to anarchy and industrial backwardness. *x*. National development will be hampered. *y*. Moral advancement will be precluded. *z*. Commercial activity will be impossible. B. The doctrine will be injurious to the future welfare of the United States. 1. It will be a constant menace to peaceable and friendly relations with foreign Powers. 2. It will require an increasingly large army and navy. *x*. In no other way can it be made effective. C. The argument that the security and welfare of the United States would be endangered if the doctrine were abandoned, is unsound. 1. Even if colonization were to take place in South America, the interests of the United States would not be unfavorably affected. *x*. Our real power would be as great. *y*. Our resources would be no less. *z*. Our frontier would be no more exposed. 2. The idea that a South American colony would be dangerous is absurd when the proximity and resources of Canada are considered.

# ECONOMICS



# ECONOMICS

## XII

### PROTECTION AND FREE TRADE

PROPOSITION: Protection is preferable to free trade as a commercial policy for the United States.

#### Introduction

GENERAL REFERENCES: Edward Stanwood, *American Tariff Controversies in the Nineteenth Century* (2 vols.); F. W. Taussig, *Tariff History of the United States*; F. W. Taussig, *State Papers and Speeches on the Tariff*; A. S. Bolles, *Financial History of the United States*, Vol. 2, Bk. 1, Chap. 5, Bk. 3, Chaps. 2-7; Vol. 3, Bk. 2, Chaps. 7, 8; Ugo Rabbeno, *The American Commercial Policy*; A. Maurice Low, *Protection in the United States*; J. J. Lalor, *Cyclopædia of Political Science*, II., 289 (Free Trade); III., 413-440 (Protection); W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 630, 1135; *Encyclopædia Britannica*, IX., 752; XXXII. (New), 32; *New International Encyclopædia*, VII., 781; XIV., 580; XVI., 494; *Report of the Industrial Commission*, XIX., 1225, 1257 (Indexes); "Tariffs of Foreign Countries," in *Special Consular Reports*, XVI., Pts. 1, 2, 3; "Tariff Acts, 1789-1897," in *House Documents*, 55th Cong., 2nd Sess., No. 562; "Import Duties, 1789-1890," in *Senate Reports*, 51st Cong., 2nd Sess., No. 2130; *House Miscellaneous Documents*, 47th Cong., 2nd

Sess., No. 6 ; 51st Cong., 1st Sess., No. 176 ; *House Reports*, 49th Cong., 1st Sess., No. 1620 ; 50th Cong., 1st Sess., No. 1496 ; 53d Cong., 2nd Sess., No. 234 ; 54th Cong., 2nd Sess., No. 338 ; "The Anatomy of the New Tariff," in *American Review of Reviews*, XVI., 167 ; "The Tariff Act of 1897," in *Quarterly Journal of Economics*, XII., 42.

I. The question is important. A. It dates from the beginning of the government. B. Statesmen, economists, and parties have been divided on it. C. Both policies have been tried.

II. It is generally admitted. A. That protection is the policy of levying tariff duties for the purpose of promoting home industries. B. That free trade, commonly although not accurately speaking, is the policy of levying tariff duties for the purpose of revenue only.

III. Probably it will also be admitted. A. That the classes chiefly affected by a tariff policy of either kind are: 1. The nation. *x*. The people collectively. 2. Producers. 3. Consumers. 4. Wage-earners.

IV. The question, therefore, whether protection is preferable to free trade as a commercial policy for the United States seems to present four main issues. A. Is protection beneficial to the nation? B. Is it beneficial to producers? C. Is it beneficial to consumers? D. Is it beneficial to wage-earners?

### Brief for the Affirmative

REFERENCES: Alexander Hamilton, *Report on Manufactures*; Friedrich List, *The National System of Political Economy*; H. C. Carey, *Principles of Social Science*; Van Buren Denslow, *Principles of Economic Philosophy*, Chaps. 14, 15, 16 ; S. N.

Patten, *The Economic Basis of Protection*; H. M. Hoyt, *Protection versus Free Trade*; J. G. Blaine, *Twenty Years of Congress*, I., Chap. 9; E. H. Roberts, *Government Revenue*; William McKinley, *Speeches and Addresses*; William McKinley, "History of Tariff Legislation," in *Works of Henry Clay* (1897), VII.; George Gunton, *Principles of Social Economics*, Pt. 4, Chap. 3; J. P. Young, *Protection and Progress*; D. H. Rice, *Protective Philosophy*; *Forum*, IV., 357, 582; VIII., 136; X., 142; XIV., 242, 324; XVI., 696; XXII., 526; XXX., 430; XXXI., 472; *North American Review*, Vol. 135, p. 403; Vol. 139, p. 372; Vol. 147, p. 460; Vol. 150, pp. 27, 281, 740; Vol. 158, pp. 110, 312; Vol. 164, p. 576; Vol. 168, p. 297; Vol. 175, p. 746; *Quarterly Journal of Economics*, III., 259; XV., 371; XVIII., 135; *Economic Journal*, IX., 36; XII., 305; XIV., 11, 372; *Publications of American Economic Association*, 3d Ser., Vol. 3, p. 167; *Annals of American Academy of Political and Social Science*, XXIII., 1, 26; *International Monthly*, IV., 742; *International Review*, XIII., 248, 455; *Harper's Magazine*, LXXVI., 426; *Gunton's Magazine*, X., 103; XII., 1; XVII., 385; XVIII., 323; XXI., 22, 33; XXII., 511; XXIII., 164, 273, 465; XXIV., 114, 377; XXV., 295; XXVI., 252, 393, 402, 479; *Fortnightly Review*, LXXVII., 427, 434; LXXVIII., 32, 452; LXXX., 49, 466, 747; *Nineteenth Century*, V., 638; LIV., 181, 202, 369, 538; *Independent*, LIII., 1491; LIV., 1294; Publications of the American Protective Tariff League and the Home Market Club; *The Protectionist*, I. —; *American Economist*, I. —

I. Protection is beneficial to the nation. A. The nation is benefited industrially. 1. New industries are created. *x*. Production is made profitable. *y*. Foreign competition is obstructed. *z*. Infant stages are tided over. 2. Existing industries are stimulated. *x*. Production is made more profitable. *y*. Foreign competition is made less severe. 3. Natural resources are developed. *x*. Vegetable and mineral pro-



duction is made profitable. 4. Diversity of industry is secured. *x*. The effect of the tariff is exerted over a wide range. 5. The argument that industrial development is not secured because capital is simply transferred from one field to another, is unsound. *x*. New capital is attracted to productive employment. *y*. Capital is drawn from abroad. 6. The argument that national resources are expended because capital is unproductively employed, is unsound. *x*. Industries not productive at first rapidly become so. B. The nation is benefited by protection commercially. 1. Internal commerce is increased. *x*. The value of what is bought and what is sold is kept within the country. 2. Commercial security is enhanced. *x*. Business as a whole is less affected by conditions involving a part. *y*. It is less affected by foreign economic conditions. *z*. It is less affected by trade wars and retaliatory measures. C. The nation is benefited socially. 1. By the higher wages paid to laborers. 2. By the greater variety of occupations offered. 3. By concentration of population. D. The nation is benefited politically. 1. Political independence is secured. *x*. The nation is made a unit, capable of producing what it needs. 2. National prosperity follows. *x*. Periods of protection have been periods of business prosperity. *y*. Periods of low tariff have been periods of business depression.

II. Protection is beneficial to producers. A. Farmers are benefited. 1. Directly. *x*. By duties on farm products and on raw materials. 2. Indirectly. *x*. The increased number engaged in manufacturing decreases the number engaged in agriculture. *y*. The concentration of persons in cities creates a greater

demand for farm products. *z.* Manufacturing industries are brought to the farmer's door. *B.* Manufacturers are benefited by protection. *1.* The quality of production is improved. *x.* Through the ability to pay higher wages. *y.* Through the opportunity of securing better kinds of machinery at home. *2.* Larger domestic markets are provided. *x.* Domestic consumption is increased. *y.* Foreign competition is restrained. *3.* Better foreign markets are secured. *x.* Manufacturers are enabled better to compete with foreign producers. *y.* Statistics show that export trade has greatly expanded under protective tariffs.

**III.** Protection is beneficial to consumers. *A.* Consumers are able to purchase goods at lower prices. *1.* The cost of transportation is saved. *x.* Farm and factory are brought together. *2.* The cost of production is decreased. *x.* Business can be conducted on a larger scale. *y.* High wages are the cheapest. *z.* Invention is stimulated. *1'.* By high wages. *2'.* By increased domestic competition. *3'.* By the efforts of European producers to counteract the effect of the tariff. *3.* Profits are no greater. *x.* Profits are regulated by domestic competition. *4.* The argument that the tariff is a tax on the consumer because the duty is added to the price is disproved by facts. *x.* Facts show that only in rare instances are prices even temporarily raised in a degree commensurate with the import duty. *B.* The tariff, judged as taxation, is beneficial to the consumer. *1.* A large part of the national expenditure is paid by foreign exporters. *C.* The home market created by protection is beneficial to the consumer. *1.* A home market prevents monopoly and the imposition of unfair rates. *x.* By importers.

*y.* By carriers. 2. A home market is steady and certain. 3. It promotes reciprocal interests.

IV. Protection is beneficial to wage-earners. A. Wage-earners are benefited economically. 1. The opportunity for employment is increased. *x.* By the creation of new industries. *y.* By the increased production of raw material. *z.* By the increased demand for transportation facilities. 2. Higher wages are secured. *x.* Because of the increased demand for labor. *y.* Because of the larger fund for the payment of wages. *z.* Because of improved methods of production. 3. Statistics show that protective tariffs raise wages. *x.* Wages are higher in the United States under a protective tariff than in England, in the same occupations, under free trade. 4. The statement that though money wages may be higher, real wages are not, is untrue. *x.* A comparison of prices and of cost of living shows that real wages are higher. B. Wage-earners are benefited by protection socially. 1. A higher social standard is maintained. 2. Greater opportunity is offered for satisfying natural aptitude in the choice of employment. *x.* Because of the greater diversity of industry.

### Brief for the Negative

REFERENCES: Adam Smith, *The Wealth of Nations*, Bk. 4; Frédéric Bastiat, *Sophisms of the Protectionists*; Henry Fawcett, *Free Trade and Protection*; W. M. Grosvenor, *Does Protection Protect?* A. T. Hadley, *Economics*, pp. 421-441; Henry George, *Protection or Free Trade*; W. G. Sumner, *Protectionism*; W. G. Sumner, *Lectures on the History of Protection*; D. A. Wells, *Practical Economics*, pp. 64-151; C. F. Bastable, *The Commerce of Nations*; A. B. and H. Farquhar, *Economic*

*and Industrial Delusions*; B. R. Wise, *Industrial Freedom*; G. L. Bolen, *Plain Facts as to the Trusts and the Tariff*; *Forum*, V., 79; VI., 167, 276; VIII., 475; X., 1; XI., 269; XIV., 51, 697; XXIX., 423; XXXII., 608; *North American Review*, Vol. 136, pp. 270, 571; Vol. 143, p. 398; Vol. 146, p. 287; Vol. 147, p. 340; Vol. 150, pp. 1, 145, 301, 505, 638; Vol. 151, p. 307; Vol. 155, pp. 280, 401; Vol. 157, pp. 493, 502; Vol. 158, p. 641; Vol. 173, pp. 91, 102, 111; Vol. 176, p. 46; *Political Science Quarterly*, II., 265; *Quarterly Journal of Economics*, XVII., 280; *Economic Journal*, VIII., 3; XIII., 313; XIV., 188, 515; *Harper's Magazine*, LXXVI., 272; *Nation*, XII., 352; XLVII., 235; LI., 57; LVIII., 189; LXIV., 120, 297; LXXII., 168, 427, 504; LXXIV., 242; LXXV., 182; LXXVI., 146, 399; *Atlantic Monthly*, LXXXI., 577; *Contemporary Review*, XIII., 321; LXXXIV., 365, 469; LXXXV., 172; LXXXVI., 18; *Westminster Review*, Vol. 112, p. 1; Vol. 160, p. 477; Vol. 161, pp. 135, 500; *Fortnightly Review*, LXXIX., 542; Publications of the New York Reform Club, the New England Free Trade League, and the Cobden Club.

I. Protection is injurious to the nation. A. The nation is injured economically. 1. National wealth is decreased. *x*. National wealth depends on the productiveness of industry. 1'. The greatest accomplishment for the least expenditure of force. *y*. The productiveness of industry depends on natural capacity. 1'. Human capability. 2'. Climate. 3'. Resources. *z*. Protection diverts industry from pursuits for which there is the greatest natural capacity to those for which there is the least. 2. The argument that the nation is benefited by protection because new industries are created is untenable. *x*. Nothing is created that did not exist. *y*. Capital is simply transferred from one industry which is naturally productive to another which

is not. 3. The argument that diversity of industry is secured is misleading. *x*. The value of industry depends not on its diversity, but on its productiveness. *y*. Even if all things could be profitably produced, it would be better to restrict industry to such pursuits as were easiest. 4. The argument that infant industries are helped over ruinous stages is unsound. *x*. Assuming that industries become productive, the cost is more than the profit. *y*. Only in rare instances do industries become productive. 1'. The cry for protection never ceases. 5. There is no more reason for stopping the division of industry at national than at State or county boundaries. B. The nation is injured by protection socially. 1. Monopolies are created. *x*. Foreign competition, the safeguard against domestic monopoly, is prevented. 2. Facts show that the greatest and most burdensome monopolies are the result of a protective tariff. 3. Social inequality and injustice is caused. *x*. A large proportion of the great fortunes of the United States were made in protected industries. C. The nation is injured by protection politically. 1. Reckless extravagance and corruption is caused. *x*. A surplus beyond the nation's needs is created. 2. International ill-feeling is created. *x*. Other nations are offended by a selfish policy and retaliate. 3. National advancement is checked. *x*. National advancement can come only through mutual interchange and dependence.

II. Protection is injurious to producers. A. Manufacturers are injured. 1. The manufacturer's market is restricted. *x*. Higher duties decrease the volume of imports. *y*. Decrease in the volume of imports decreases exports. 1'. Commodities exchange only for



commodities. 2'. Money is but a medium. *z*. Other nations retaliate. 1'. By maximum tariffs. 2'. By bounties. 3'. By inspection laws. 4'. By trade combinations. 2. Manufacturers need more extended, not more restricted, markets. *x*. In many fields the home market has been exhausted. 1'. Production has increased faster than consumption. *y*. Foreign markets are especially desirable. 1'. They steady competition. 2'. They sustain trade in hard times. 3'. They offer large opportunities for increase. B. Farmers are injured by protection. 1. The farmer's market is restricted. 2. The farmer's protection is inconsequential. *x*. A large part of his product is not affected by foreign competition. 1'. It cannot be carried far. *y*. A large part of the remainder is not helped by import duties. 1'. It is disposed of in the world's market where the price is set. *z*. The only farmer benefited by protection is one on the national boundary. 3. Any possible income to the farmer is more than offset by what he pays additionally as a consumer.

**III.** Protection is injurious to consumers. A. The tariff is a tax on consumers. 1. The consumer pays higher prices, corresponding roughly to the import duty, on all articles of daily use and consumption. 2. In some cases a double tax is paid. *x*. One on the raw material and one on the finished product. 3. Price statistics show that these assertions are true. B. The tax paid by the consumer is devoted to private, not to public ends. 1. So far as foreign competition is excluded, it goes to the domestic manufacturer. *x*. Many articles of domestic production can be bought cheaper abroad than at home. 2. So far as foreign competition is successful, it goes to the foreign producer.

3. The argument that importers pay tariff taxes is wholly untenable. *x*. What the importer pays as duty is returned to him by the consumer. C. The tariff, judged as taxation, is injurious to the consumer. 1. It is bad in form. *x*. Its incidence is concealed. 2. It gives rise to fraud and corruption. *x*. To smuggling. *y*. To bribery. 3. It causes favoritism by officials. *x*. Campaign funds are swelled by tariff concessions.

IV. Protection is injurious to wage-earners. A. In the long run protection lowers wages. 1. The fund from which wages are paid is decreased. *x*. Labor and capital, engaged in unproductive industry, create less wealth. 2. The argument that protective tariffs raise wages is disproved by statistics. *x*. By American statistics. 1'. Wages are as high in unprotected as in protected American industries. 2'. Before protective tariffs were adopted, wages were higher in America than abroad. 3'. Wages do not rise and fall as the tariff is changed. *y*. The fact that protective tariffs do not raise wages is proved by English statistics. 1'. Wages are higher in England under free trade than they were under protection. 2'. Wages are higher in England under free trade than they are on the Continent under protection. B. Protection increases the wage-earner's cost of living. 1. As consumers, wage-earners pay higher prices for nearly all articles of daily use and consumption. C. The argument that the tariff protects wage-earners from the competition of the pauper labor of Europe is false. 1. The only way in which European labor can compete with American is to come here.



## XIII

### COMMERCIAL RECIPROCITY

PROPOSITION: The policy of concluding reciprocal commercial treaties with other nations is a wise one.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *List of References on Reciprocity*; J. L. Laughlin and H. P. Willis, *Reciprocity* (Bib.); "Reciprocity Treaties and Agreements of the United States since 1850," in *Monthly Summary of Commerce and Finance*, Ser. 1904-1905, No. 2, p. 525; Dingley Tariff, Secs. 3, 4; "The Reciprocity Convention with France," in *Senate Documents*, 56th Cong., 1st Sess., No. 225; Chalfant Robinson, *Two Reciprocity Treaties*; Eugene Schuyler, *American Diplomacy*, Chap. 9; J. J. Lalor, *Cyclopædia of Political Science*, III., 537; *New International Encyclopædia*, XIV., 866; *Encyclopedia Americana*, XVI. (United States—Reciprocity); "The Work of the Reciprocity Commission," in *Forum*, XXX., 394; "The Treaty Making Power of the House of Representatives," in *Yale Review*, XII., 191; "Commercial Relations of the United States with Latin America," in *Annals of American Academy of Political and Social Science*, XXII., 149-176; *Proceedings of the National Reciprocity Convention* (Washington, 1901).

I. The question is important.      A. Because of the rapid industrial growth of the United States.      B. The desire for commercial expansion.      C. The retaliatory tariff measures of other nations.

II. It is generally admitted. A. That reciprocity treaties, as the United States has accepted the term, usually provide for a remission or reduction of duties by this nation in return for similar favors by another. B. Two distinct applications are possible. 1. Duties may be remitted or reduced on non-competing articles. *x*. Those which we do not produce. 2. They may be remitted or reduced on competing articles. *x*. Those which we do produce. C. Discussion for the most part arises as to the desirability of treaties of the latter kind.

III. Probably it will also be admitted. A. That the classes chiefly interested in the working of reciprocity treaties are: 1. The nation. *x*. The people collectively. 2. Producers. 3. Consumers. 4. Wage-earners.

IV. The question, therefore, whether these treaties are desirable seems to present four main issues. A. Would reciprocity treaties benefit the nation? B. Would they benefit producers? C. Would they benefit consumers? D. Would they benefit wage-earners?

### Brief for the Affirmative

REFERENCES: J. A. Kasson, *Reciprocity*; William McKinley, Speech delivered at Buffalo, Sept. 5, 1901; *House Executive Documents*, 48th Cong., 2nd Sess., No. 226; *Senate Executive Documents*, 51st Cong., 1st Sess., No. 158; 52nd Cong., 1st Sess., No. 119; *House Reports*, 54th Cong., 1st Sess., No. 2263; *House Documents*, 54th Cong., 2nd Sess., No. 338, Pt. 2, Vol. 2, pp. 2087-2099; *Annual Cyclopædia*, 1890, pp. 202-205; *Report of the Industrial Commission*, XIX., 191; *Field v. Clark*, 143 *United States Reports*, 680-697; *Forum*, XXVIII., 493; *North American Review*, Vol. 177, p. 22; *Arena*, XXX.,

585; *Atlantic Monthly*, LXXXI., 577; LXXXVIII., 145; *Popular Science Monthly*, LVIII., 625; *American Law Review*, XX., 513; *Journal of Political Economy*, XII., 495; *Quarterly Journal of Economics*, VII., 26; *Annals of American Academy of Political and Social Science*, XIX., 185; XXIII., 55; *Chautauquan*, XXXIV., 237; *Nineteenth Century*, V., 638; *Nation*, LXXII., 148, 368; LXXIII., 410; *Public Opinion*, IX., 263; XV., 97, 121; XXVII., 131; *Outlook*, LXIX., 808; *Independent*, LII., 2897; LIII., 509, 1491, 2872; LV., 2750; *National Reciprocity*, I. —

# I. Reciprocity treaties would benefit the nation.

## A. The nation would be benefited economically.

1. National wealth would be increased. *x*. National wealth depends on the advantageous interchange of commodities. *y*. Reciprocity treaties enable us to exchange what we produce cheapest for what other nations, because of natural advantages, produce cheapest. 2. Export trade would be increased. *x*. By the increase in imports. 1'. Commodities must exchange for commodities. 2'. It is impossible to sell and not to buy. 3. A safeguard would be raised against industrial stagnation and depression. *x*. Over-production would be prevented. 4. Unprofitable trade wars would be avoided. 5. American shipping would be greatly assisted.

B. Reciprocity treaties would benefit the nation politically. 1. They would promote international good-will. *x*. By bringing other nations into closer contact. *y*. By establishing mutual respect and interdependence.

C. The argument that reciprocity treaties are unconstitutional is unsound. *x*. The question has been definitely settled. *y*. No legislative power is delegated. *z*. The Executive is simply empowered to carry out the legislature's wishes.

## II. Reciprocity treaties would benefit producers.

A. American producers need larger foreign markets.

1. In many fields the home market has been exhausted.

*x*. Manufacturing and natural production have increased faster than population and consumption. 2. Foreign

markets are in themselves desirable. *x*. They steady domestic competition. *y*. They sustain trade in hard

times. *z*. They offer large opportunities for increase.

3. The foreign market for American output is now insignificant. *x*. It is insignificant when estimated in

respect to total production. *y*. When estimated in respect to the export trade of European nations.

B. Reciprocity treaties would secure larger foreign markets. 1. They would break down natural barriers.

*x*. By increasing import trade. 2. They would break down artificial barriers. *x*. The retaliatory measures

of foreign nations. 1'. Maximum tariffs. 2'. Bounties. 3'.

Inspection laws. 4'. Trade combinations. C. Reciprocity treaties would enable producers better to compete in foreign markets.

1. They would lower very considerably the cost of production. *x*. Production could be carried on on a larger scale. *y*. Raw materials

would be admitted free of duty. D. The argument that American producers would be injured by tariff concessions is unsound.

1. In only a few cases would a reduction of duty injure producers. *x*. Cost of production is lower in the United States than abroad.

2. The great advantages most producers would gain more than outweigh the slight disadvantages a few might suffer.

## III. Reciprocity treaties would benefit consumers.

A. The price of many articles of daily use and consumption would be lowered. 1. The price of imported

articles would be lowered. *x*. On many, the entire import duty would be saved. *y*. On others, prices would be considerably less. 1'. Because of the competition of production under greater natural advantages. 2. The price of exported articles would be lowered. *x*. Because of the decreased cost of production. *y*. Because of increased competition. 1'. Larger foreign markets would attract new competitors.

IV. Reciprocity treaties would benefit wage-earners.

A. The demand for labor would be increased. 1. By increased production. 2. By the greater demand for transportation facilities. B. Employment would be more constant. 1. Business would be less affected by domestic economic changes. C. Higher wages would be assured. 1. Because of the increased demand for labor. 2. Because over-production would be avoided. 3. Over-production inevitably lowers wages. D. Cost of living would be less. 1. Lower prices would make cost of living less.

### Brief for the Negative

REFERENCES: A. J. Wilson, *Reciprocity, Bi-metalism, and Land-Tenure Reform*; Sir T. H. Farrer, *Free Trade versus Fair Trade*; Sir Louis Mallet, *Reciprocity*; G. W. Medley, *The Reciprocity Craze*; W. C. Ford, *Reciprocity*; C. F. Bastable, *The Commerce of Nations*, Chap. 16; Henry Fawcett, *Free Trade and Protection*, Chap. 6; D. H. Rice, *Protective Philosophy*, Chap. 14; A. B. and H. Farquhar, *Economic and Industrial Delusions*, pp. 133-135; J. P. Young, *Economic Aspects of Reciprocity* (American Protective Tariff League); *House Reports*, 49th Cong., 1st Sess., No. 1648, p. 5; 54th Cong., 1st Sess., No. 2263, pp. 53-60; *Field v. Clark*, 143 *United States Reports*, 697-700; *Forum*, XI., 268, 419; XIV.,



255; XXV., 683; XXXII., 466, 616-622; *North American Review*, Vol. 154, p. 414; *Gunton's Magazine*, XXI., 497; XXIV., 114; *Chautauquan*, XXXVII., 127; *Contemporary Review*, XIII., 340; XXXV., 286; *Outlook*, LXIX., 796, 797; *Nation*, LXXIII., 125.

I. Reciprocity treaties would injure the nation.

A. The nation would be injured economically. 1. The import duties remitted to foreign producers would exceed those remitted to American producers. 2. A large market of consumers would be exchanged for a small one. 3. A market protected by a uniformly high tariff would be exchanged for one open to all comers. 4. An unscientific jumble of tariff concessions would result. 5. The argument that reciprocity treaties would stimulate foreign trade is unsound.

w. Foreign trade is unimportant compared with domestic trade. 1'. We export little in comparison to our total production. x. Foreign trade is increasing rapidly without reciprocity. 1'. It is increasing faster than that of any other nation. y. Foreign trade has increased faster without than with reciprocity treaties. z. Foreign tariff duties are not excessively high.

B. Reciprocity treaties would injure the nation politically. 1. Un-

wise political preferences would be established. x. The nation's best customers would be sacrificed for those whose trade is of little value. 2. Methods politically objectionable would be employed. v. Undignified haggling. 1'. A battle of opposing interests for special legislation would be carried on. w. What should be done openly would be done in secret. x. Diplomacy would be substituted for legislation. y. The business of the people would be taken from the hands of their chosen representatives. z. Legislative power would

be assumed by the Executive, contrary to the Constitution.

**II.** Reciprocity treaties would injure producers.

A. Producers from whose industries protection was taken would be compelled to suspend. 1. They could

not compete with underpaid European labor. 2. The

argument that producers would not be injured because tariff duties are unnecessary, is unsound. *x*. If duties

were unnecessary, other nations would gain nothing.

1'. They could not compete after a reduction.

B. Producers for whose benefit the treaties were made would gain little. 1. They would receive no higher prices

for their products. *x*. Foreign competition would keep prices down to the cost of production. *y*. Differential

advantages, such as those received by foreign producers, would not be secured. 1'. The volume of imports would

bear too great a proportion to the total consumption.

2. The argument that producers would secure wider markets is unsound. *x*. The volume of trade induced

by reciprocity would be small. *y*. Such as it was, its benefit would be largely counteracted by increased com-

petition. C. Producers affected directly in neither way would be injured indirectly. 1. Any change af-

fecting one industry affects all. 2. Reciprocity would lead to further tariff concessions.

**III.** Reciprocity treaties would not benefit consumers.

A. The argument that consumers would be benefited by lower prices, is unsound. 1. Prices would be low-

ered only when importation covered the entire demand and there was effective competition. *x*. If importation

were less than the total demand, prices would not be affected. 1'. Price is determined by the most expensive

cost of production. *y*. Although importation covered



the entire demand, if foreign production were in the control of a monopoly, prices would not be lowered. *z.* If articles were imported in an unfinished state, and the process of fitting them for market were in the control of a monopoly, prices would not be lowered.

**IV.** Reciprocity treaties would injure wage-earners.

A. Many wage-earners would be thrown out of employment. 1. All of those in industries affected by tariff concessions. B. The argument that wage-earners would be benefited by increased production and by lower prices, is untenable. 1. The amount of trade induced by reciprocity would be too slight to have any appreciable effect on production. *z.* Production for foreign trade is insignificant when compared with that for home consumption. 2. The benefit to wage-earners as consumers would be practically nothing.

## XIV

### RECIPROCITY WITH CANADA

PROPOSITION: A reciprocal commercial treaty should be concluded between the United States and Canada.

#### Introduction

GENERAL REFERENCES: J. L. Laughlin and H. P. Willis, *Reciprocity*, Chap. 2, and pp. 440-447 (Bib.); Chalfant Robinson, *Two Reciprocity Treaties* (Bib.); M. G. Mulhall, *Industries and Wealth of Nations*, Chap. 19; "Commercial Relations between the United States and Canada" (1821-1893), in *Senate Executive Documents*, 53d Cong., 2d Sess., No. 106; *Senate Executive Documents*, 32nd Cong., 1st Sess., No. 112; "Relations with Canada," in *Senate Reports*, 51st Cong., 1st Sess., No. 1530; *Senate Executive Documents*, 52nd Cong., 1st Sess., No. 114, Pts. 1, 2; F. E. Haynes, "The Reciprocity Treaty with Canada of 1854," in *Publications of American Economic Association*, Vol. 7, No. 6; *Encyclopædia Britannica*, XXVI. (New), 533-537; *Canadian Magazine*, VIII., 423.

I. The question is important. A. Of the many specific proposals for reciprocity treaties that with Canada is probably the most important. 1. It has been under consideration for many years. 2. Reciprocity was for some time tried. 3. Agitation for closer commercial union seems to be increasing.

II. It is generally admitted. A. That the commercial policies of the United States and Canada, although similar, are now wholly independent. 1. The United States maintains a tariff which applies without change to Canada. 2. The Canadian tariff, although somewhat lower than that of the United States, applies without change to this country. B. Any commercial treaty with Canada would probably contain two main provisions. 1. A provision for the free exchange of natural products. 2. A provision for lower import duties on American manufactures.

III. The question whether a treaty of this kind would be preferable to the present policy presents apparently four main issues. A. Is the present commercial policy of the United States with respect to Canada objectionable? B. Would reciprocity with Canada be advantageous for the United States? C. Is reciprocity practicable? D. Is the experience of the United States under the former treaty favorable to a new one?

### Brief for the Affirmative

REFERENCES: Goldwin Smith, *Canada and the Canadian Question*, pp. 281-301; *Handbook of Commercial Union*; Erastus Wiman, *Closest Trade Relations between the United States and Canada*; *Canadian Leaves*, pp. 175, 269; Albert Shaw, editor, *The National Revenues*, pp. 119-123; *Report of the Industrial Commission*, IX., cclxxix; *Publications of the New England Free Trade League*, 1898, No. 5; *House Executive Documents*, 31st Cong., 1st Sess., No. 64; *Senate Executive Documents*, 31st Cong., 2nd Sess., No. 23; *House Reports*, 32nd Cong., 2nd Sess., No. 4; 37th Cong., 2nd Sess., No. 22; 44th Cong., 1st Sess., No. 9; 54th Cong., 1st Sess., No. 2263, pp. 63-76; *Forum*, VI., 241; XI., 272;

XXV., 329, 652; XXVII., 479; XXIX., 471; XXX., 180; XXXII., 582; *North American Review*, Vol. 74, p. 168; Vol. 79, p. 464; Vol. 139, p. 42; Vol. 148, p. 54; Vol. 151, p. 212; Vol. 164, p. 710; Vol. 165, p. 418; Vol. 167, p. 165; Vol. 176, pp. 401, 602; Vol. 178, p. 205; *Canadian Magazine*, IX., 502; XII., 198; XIII., 13; XXIII., 407, 507; *New England Magazine* (N. S.), XX., 731; *Journal of Political Economy*, XII., 495; *Century*, XVI., 236; *New Englander*, LIII., 1; *Magazine of American History*, XIX., 21; *American Review of Reviews*, XVI., 712; XXVIII., 462; *Nation*, LXXII., 29; LXXVIII., 345; *Outlook*, LXXIII., 483; LXXVIII., 1065; *Independent*, LVI., 394; LVII., 1416.

I. The present commercial policy of the United States with respect to Canada is objectionable. A. It is objectionable for political reasons. 1. The people of Canada have been turned from the United States. *x.* Bitterness, hostility, and resentment have been aroused. 2. The relations between Great Britain and Canada have been made more intimate. *x.* Great Britain has become the chief market for Canadian produce. *y.* Great Britain has been given trade preferences. B. The present policy is objectionable for economic reasons. 1. The present trade barriers are unnatural. *x.* The American continent is an economic whole. *y.* The boundaries between Canada and the United States are practically co-terminous. *z.* There is as much reason for commercial union between the United States and Canada as between the different sections of the United States. 2. The present trade barriers erected by the United States are unfair. *w.* Canada gives the United States a large free list; the United States gives Canada substantially none. *x.* Canada's exports to the United States are insignificant compared with her imports. *y.* Canada is the best customer of

American manufacturers. *z.* Canada consumes more of the natural produce of the United States than the United States of Canada. 3. If the present barriers are continued, Canada will surely retaliate. *x.* Her public men have definitely said so. *y.* There is a strong public sentiment in favor of higher duties. *z.* Only the hope for reciprocity has thus far prevented action. 4. If Canada retaliates, it will be a serious blow to American manufacturers. *x.* With higher duties Canadian manufacturers can become formidable competitors.

II. Reciprocity with Canada would be advantageous for the United States. A. It would be advantageous for political reasons. 1. Better relations would be established between the two countries. *x.* They would be bound by strong mutual interests. 2. Better relations would be established between the United States and Great Britain. *x.* Most of the recent difficulties between the United States and Great Britain have been because of Canada. 3. The outlook for annexation would be improved. B. Reciprocity with Canada would be advantageous for economic reasons. 1. American manufacturers would be benefited. *x.* New markets of immense value would be opened. 1'. Valuable because of the large body of consumers. 2'. Because easy of access. 3'. Because Canada, under reciprocity, would grow in wealth and population. *y.* Raw materials would be more accessible. 1'. Copper, nickel, iron, timber, coal. 2. American consumers would be benefited by reciprocity. *x.* Large fisheries would be accessible. *y.* New fields of farm produce would be opened. *z.* The arable land of the United States is rapidly decreasing. 3. American investors would be

benefited. *x*. The increased markets for Canadian produce would call for new capital. *y*. Capital now commands a low rate of interest in the United States. 4. American transportation facilities would be benefited. *x*. Railroads. *y*. Transportation on the Great Lakes. *z*. Deep-water traffic. 1'. The natural shipping points for Canadian produce are in the United States. 5. The argument that much revenue would be lost to the United States by reciprocity is unsound. *x*. The cost of collecting the present revenue is immense. *y*. The balance would more than be returned to the United States in increased trade.

**III.** Reciprocity is practicable. A. Canada and the United States have many interests in common. 1. They have similar economic interests. *x*. Fiscal policies. *y*. Wages. *z*. Cost of production. 2. They have similar political interests. *x*. Form of government. *y*. Laws. *z*. Institutions. 3. They have similar social interests. *x*. Language. *y*. Religion. *z*. Habits.

**IV.** The experience of the United States under the former treaty is favorable to a new one. A. Under the former treaty, trade between the United States and Canada increased rapidly. B. The total balance of trade was much in favor of the United States. C. The argument that the treaty was unfavorable to the United States because of the increase in Canadian exports is unsound. 1. Exports exceeded imports only for a brief period. 2. The excess continued sometime after the abrogation of the treaty. 3. Many commodities were sent to the United States for export to Europe. 4. Many commodities were sent to the United States in anticipation of the treaty's abrogation. D. The



argument that the treaty must have been unfavorable to the United States since it was abrogated is unsound. 1. It was abrogated for reasons which in no way touched its merits. *x.* Revenue was needed by the United States to pay the debt of the Civil War. *y.* Ill feeling was aroused by British sympathy for the South during the war. *z.* Canada imposed higher duties for revenue purposes than was thought fair.

### Brief for the Negative

REFERENCES: H. C. Lodge, *Reciprocity with Canada* (Speech before the Home Market Club, April 2, 1903); *House Executive Documents*, 36th Cong., 1st Sess., No. 96; 40th Cong., 3d Sess., No. 36; *House Reports*, 46th Cong., 2nd Sess., No. 1127, Pt. 2; *Works of Charles Sumner*, IX., 178; *North American Review*, Vol. 153, p. 468; *Forum*, VI., 451-456; *Penn Monthly*, V., 529; *Canadian Magazine*, XVIII., 226; XXIII., 416; *Chautauquan*, XXXIV., 239-240; *Independent*, LVII., 1277.

I. The present commercial policy of the United States with respect to Canada is satisfactory. A. It is satisfactory for economic reasons. 1. Trade with Canada is on a very advantageous basis. *w.* Canada purchases annually large quantities of goods from the United States. 1'. More than from any other nation, not excepting Great Britain. *x.* The volume of this trade is rapidly increasing. 1'. It is increasing faster than Canada's trade with any other nation. *y.* The balance of the trade is greatly in favor of the United States. 1'. Canadian imports far exceed exports. *z.* Canadian tariff schedules are not high. 1'. They are not high when compared with those of the United States. 2'. When compared with those of other countries. 2. The argu-



ment that reciprocity is desirable because this basis of trade cannot continue, and that Canada will retaliate, is unsound. *x*. Canada is not likely to retaliate. *1'*. She must inevitably remain a food and raw material producing country. *2'*. Canadian consumers will object to higher import duties. *y*. It will be time to consider reciprocity when Canada has acted. B. The present commercial policy is satisfactory for political reasons. *1*. The relations between the countries are harmonious. *x*. Social intercourse is cordial. *y*. Business rivalry is keen but straightforward.

II. Reciprocity with Canada would be disadvantageous for the United States. A. It would be disadvantageous for economic reasons. *1*. The products of Canada and the United States are competitive, not supplementary. *x*. The United States produces practically everything that Canada does. *2*. Canada would receive far greater benefits from reciprocity than would the United States. *x*. She would receive a large market in return for a small one. *y*. The remission of a large import duty for a small one. *3*. No substantial increase in trade would be likely to follow from reciprocity. *4*. Many important interests in the United States would surely suffer. *w*. Agricultural interests. *1'*. American farmers would be undersold. *x*. Fishery interests. *1'*. Without the present duty American fishermen would be greatly handicapped. *y*. Commercial interests. *1'*. Capital would be transferred to Canada. *2'*. Emigration would increase. B. Reciprocity with Canada would be disadvantageous for political reasons. *1*. There is no more reason for discriminating in favor of Canada than any other nation. *2*. The argument that reciprocity would lead to political union is un-

tenable. *x*. It had no such effect when tried before. *y*. Canadians do not wish for political union.

**III.** Reciprocity is impracticable.      **A.** It is impracticable for administrative reasons.      1. English goods would be brought into the United States by way of Canada free.      **B.** It is impracticable for military reasons.      1. In case of war our frontier would be defenceless.      **C.** It is impracticable for economic reasons.      1. Land, labor, and cost of living are much cheaper in Canada than in the United States.      2. It would be impossible to secure a treaty with Canada of any real benefit to the United States.

**IV.** The experience of the United States under the former treaty is not favorable to a new one.      **A.** Statistics show that the treaty worked greatly to the disadvantage of the United States.      1. A large amount of revenue was lost.      2. Canadian trade with the United States increased while that of the United States with Canada decreased.      3. Before the treaty, the balance of trade was greatly in favor of the United States.      4. After the treaty went into effect the balance turned in favor of Canada.

## XV

### SHIPPING SUBSIDIES

PROPOSITION: The United States should establish a more extensive system of shipping subsidies.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *List of Books on Mercantile Marine Subsidies* (2nd ed.); W. L. Marvin, *The American Merchant Marine*; W. W. Bates, *American Navigation*; W. W. Bates, *American Marine* (2nd ed.); N. S. Shaler, editor, *The United States of America*, I., Chap. 10; C. M. Depew, editor, *One Hundred Years of American Commerce*, I., 20, 38, 63, 119; *New International Encyclopædia*, XV., 790; J. J. Lalor, *Cyclopædia of Political Science*, III., 818; *Report of the Industrial Commission*, IV., VII., IX., XIV., XVII. (see Indexes); "Shipping Industry of the United States," in *Monthly Summary of Commerce and Finance*, Ser. 1900-1901, No. 6; "British House of Commons Report on Subsidies," in *Annual Report of the Commissioner of Navigation (U. S.)*, 1903, p. 268; "The Merchant Marine of Foreign Countries," in *Special Consular Reports*, XVIII.; "New French Subsidy Bill," in *Consular Reports*, LXVIII., 519; "German Merchant Marine," in *Monthly Consular Reports*, LXXV., 315; *Senate Documents*, 55th Cong., 3d Sess., No. 91; 56th Cong., 1st Sess., No. 149; 56th Cong., 2nd Sess., No. 61 (Bib.); 57th Cong., 1st Sess., No. 87; *House Executive Documents*, 49th Cong., 1st Sess., No. 172; *House Reports*, 41st Cong., 2nd Sess., No. 28; 47th Cong.,

2nd Sess., No. 1827; 51st Cong., 1st Sess., No. 1210; *Congressional Record*, Vols. 21, 22, 34, 35 (see Indexes); *Blue Book of American Shipping*; Annual Reports of the Commissioner of Navigation; *Proceedings of the United States Naval Institute*, VIII., No. 1.

**I.** The question is important.      **A.** It touches one of the oldest and most noteworthy phases of national life and industry.      **B.** Increased attention has been drawn to it in recent years.      1. By the growth of the nation's export trade.      2. By the greater interest in maritime affairs in general.      3. By frequent discussions in Congress.

**II.** It is generally admitted.      **A.** That the marine subsidies granted by modern Powers are usually of two kinds.      1. Mail subsidies.      *x.* Payments to fast steamships for which mails are carried.      2. General subsidies.      *x.* Payments for the construction and operation of sea-going vessels in general for which various returns are made.      **B.** That the United States now grants a limited subsidy of the first kind only.      **C.** That the substance of the more recent proposals with respect to subsidies has been:      1. To increase the present mail subsidy.      2. To grant a general subsidy based on tonnage and mileage to vessels above a certain size.      3. To exact in return.      *x.* The carrying of mails.      *y.* The privilege of purchase or hire for national defence.      *z.* Certain preferences for American seamen.

**III.** The question whether these proposals should be adopted seems to present four main issues.      **A.** Is the shipping industry in the United States in an unsatisfactory condition?      **B.** Are further subsidies necessary for its upbuilding?      **C.** Are further subsidies

desirable? D. Is the experience of this and other nations favorable to subsidies?

### Brief for the Affirmative

REFERENCES: C. S. Hill, *History of American Shipping*; J. D. Long, editor, *The Republican Party*, pp. 207-231; *Senate Reports*, 47th Cong., 2nd Sess., No. 883; 55th Cong., 3d Sess., No. 1551; 56th Cong., 1st Sess., No. 473; 57th Cong., 1st Sess., No. 201; 58th Cong., 3d Sess., No. 2949; *Senate Documents*, 56th Cong., 2nd Sess., No. 54; 57th Cong., 1st Sess., No. 101; *Senate Miscellaneous Documents*, 43d Cong., 2nd Sess., No. 83; *House Reports*, 48th Cong., 1st Sess., No. 363; 51st Cong., 1st Sess., No. 2889; 53d Cong., 1st Sess., No. 148, Pt. 2; 55th Cong., 3d Sess., No. 1866; 56th Cong., 1st Sess., No. 890; *North American Review*, Vol. 99, p. 483; Vol. 132, p. 467; Vol. 146, p. 566; Vol. 148, p. 687; Vol. 150, p. 27; Vol. 154, p. 76; Vol. 156, p. 398; Vol. 158, p. 433; Vol. 159, p. 424; Vol. 160, p. 85; Vol. 163, p. 470; Vol. 168, p. 240; Vol. 172, p. 285; Vol. 175, pp. 5, 829; Vol. 177, p. 533; *American Review of Reviews*, XXI., 319; XXIII., 197; XXVII., 307; *Forum*, XII., 387; XXVIII., 297; XXIX., 532; *Arena*, XVII., 242; *Chautauquan*, VIII., 404; XXXII., 137; *International Review*, XIII., 34, 280, 533; XIV., 40; *Scribner's Magazine*, XXXII., 577; *Cosmopolitan*, XXXII., 371; *Lippincott's Magazine*, XLV., 715; *Fortnightly Review*, LXXIX., 287; *Overland Monthly* (N. S.), I., 462; XII., 640; XIV., 305; XXVIII., 567; XXXIV., 401; *Independent*, LI., 254; LIII., 10, 130.

I. The shipping industry of the United States is in an unsatisfactory condition. A. Shipping in the foreign trade is unsatisfactory. 1. It has greatly decreased. *x*. In respect to the total number of tons engaged. *y*. In respect to the amount of exports and imports carried in American vessels. *z*. In respect to

the carrying done for foreign nations. 2. The shipping of other nations has increased. 3. The statement that the total tonnage of the United States has increased is immaterial. *x*. The increase has been only in the coasting trade. B. The condition of the ship-building industry in the United States is unsatisfactory. 1. Practically no building is now done for the foreign trade. C. Lack of ships and shipping has caused grave commercial evils. 1. Large sums are annually paid to foreigners for transporting American products. 2. The development of the American export trade has been retarded. *x*. Exports have not kept pace with population or with productive resources. *y*. Other nations have been able to appropriate exclusive markets. 3. War between two great Powers would leave American producers without access to foreign ports. D. Grave political evils have been caused by the lack of ships and shipping. 1. National defence has suffered. *x*. In the Spanish War it was necessary to charter foreign vessels to transport troops and supplies. 2. National prestige has suffered. *x*. The American flag is rarely seen in foreign ports.

II. Further subsidies are necessary for the upbuilding of the shipping industry. A. Without further assistance the industry can make no progress. 1. The cost of constructing vessels in the United States is much higher than abroad. *x*. Materials are more expensive. *y*. Labor is more costly. 2. The fact that a few foreign war-ships have been built in the United States is negligible. *x*. Other considerations except price have entered. 3. The cost of operating vessels in the American is higher than in the foreign service. *x*. Wages are higher. *y*. Subsistence is more expen-



sive. B. Subsidies furnish the only practicable form of assistance. 1. To establish cargo bounties or discriminating duties is impracticable. *x*. Commercial treaties with foreign nations conflict. 2. To admit foreign vessels to American registry is impracticable. *x*. The ship-building industry would be destroyed. *y*. The higher cost of operating American vessels would not be affected.

III. Further subsidies are desirable. A. They would bring great commercial advantages. 1. The sum now paid to foreign carriers would be saved. 2. Shipping rates would be reduced. 3. New markets would be developed. *x*. Mail facilities and ships secure trade. 4. The ship-building industry would be greatly benefited. *x*. Many new vessels would be needed. 5. General trade conditions would be improved. *x*. Resources would be developed. *y*. Employment would be given to more capital and men. B. Subsidies would bring great political advantages. 1. They would provide a strong fleet of auxiliary cruisers. 2. The argument that subsidies are class legislation, and hence politically undesirable, is unsound. *x*. They do not rest on the idea of helping one, but all, industries. *y*. Specific, and in many respects equivalent, services are rendered in return. 3. The argument that subsidies are unconstitutional is untenable. *x*. Congress is specifically authorized to regulate commerce and to provide for the common defence and welfare of the nation.

IV. The experience of this and other nations is favorable to subsidies. A. The experience of the United States is favorable. 1. Subsidies were successful in the case of the Collins Line. *x*. The ocean

steam fleet was increased. *γ*. The marine supremacy was wrested from Great Britain. 2. They were successful in the case of the Pacific Mail Company. *α*. Better communications were established. 3. The present postal subsidy has been successful. *α*. The steam tonnage in the foreign service has increased. *γ*. Valuable services were rendered in the Spanish War. B. The experience of Great Britain is favorable to subsidies. 1. Needed mail routes and lines of communication have been maintained. 2. New markets have been secured and held. 3. A large and powerful auxiliary fleet has been provided. C. The experience of Germany is favorable. 1. German trade and industry have been assisted. 2. A large and fleet marine has been secured. 3. Ship-building has rapidly advanced. D. The experience of France is favorable. 1. The sailing fleet has been re-established. 2. Ship-building in general has received much benefit. E. The experience of other nations is favorable. 1. The experience of Italy. 2. Of Norway and Sweden. 3. Of Japan. 4. Of Austria-Hungary.

### Brief for the Negative

REFERENCES: D. A. Wells, *Our Merchant Marine*; J. D. J. Kelly, *The Question of Ships*; John Codman, *Free Ships*; John Codman, *Shipping Subsidies and Bounties*; *Senate Reports*, 47th Cong., 2nd Sess., No. 883, Pt. 2; 57th Cong., 1st Sess., No. 201, Pt. 2; *House Reports*, 53d Cong., 1st Sess., No. 148; 55th Cong., 3d Sess., No. 1886, Pt. 2; 56th Cong., 1st Sess., No. 890, Pts., 2, 3; *North American Review*, Vol. 125, p. 544; Vol. 132, p. 559; Vol. 142, p. 478; Vol. 158, p. 277; Vol. 164, p. 75; Vol. 172, p. 113; Vol. 176, p. 490; *Journal of Political Economy*, IX., 24; XI., 446; *Yale Review*, XI., 38; *American Review of Reviews*, XXI., 326; XXIII.,

15-18, 200; *Forum*, XXVIII., 81; XXX., 463; *Atlantic Monthly*, LXXXIII., 585; LXXXV., 387; *Arena*, XXV., 148; *Annals of American Academy of Political and Social Science*, XIX., 46; *Popular Science Monthly*, XXXII., 289; *World's Work*, III., 1933; IV., 2029, 2191; *Harper's Magazine*, LXXVI., 434; *Gunton's Magazine*, X., 256; XIX., 113; XXI., 497; XXV., 163; XXVI., 197, 518; *New Englander*, LV., 133; *Fortnightly Review*, LXXVI., 61; *Quarterly Review*, Vol. 199, p. 323; *Nation*, XXXII., 106; LXIII., 135; LXIX., 104; LXX., 123, 126; LXXI., 395, 442, 482, 503; LXXII., 5, 389; LXXIII., 294; LXXIV., 4, 166; LXXVI., 144, 430; *Outlook*, LXVI., 966; LXVII., 98, 336, 387; LXXIX., 95; *Independent*, LII., 387, 472; LIII., 185, 223.

I. The shipping industry of the United States is not in an unsatisfactory condition. A. The amount of

tonnage under American registry is highly satisfactory.

1. The total documented tonnage is higher than ever before. 2. The tonnage in the coasting trade is higher

than ever before. 3. The tonnage of vessels in the foreign trade is increasing.

B. The total number of vessels engaged in trade is increasing.

C. A larger per cent of exports and imports is carried in American vessels.

D. The condition of the ship-building industry is very satisfactory.

1. A large number of plants are engaged. 2. Much capital and many men are employed.

3. Many vessels are constructed annually.

E. The statement that American export trade has suffered for lack of American shipping is untrue.

1. The export trade of the United States has grown enormously. 2. There has been no lack of ships.

3. Rates have been so cheap that American capital could not profitably compete.

II. Further subsidies are unnecessary for the up-building of the shipping industry. A. The industry

can care for itself without financial assistance. 1. The decline of the industry in the last century was due to natural causes. *x.* To the Civil War. *y.* To the change from wood to iron. *z.* To the higher return offered by enterprises of other kinds. 2. The industry can be restored to its former place and prestige by natural methods. *x.* The recent developments noted above prove this. B. The argument that subsidies are necessary to equalize conditions of competition is untenable. 1. The cost of constructing vessels is no higher in the United States than abroad. *w.* Materials are as cheap. *x.* Machinery and tools are better. *y.* Labor if more expensive is more efficient. *z.* Ships are built here for foreign nations. 2. The cost of operation is not generally higher in the American than in the foreign service. *x.* American vessels employ foreign seamen at foreign ports at foreign rates. *y.* Subsistence is not substantially higher in the American than in the foreign service. C. If any need exists for legislation it is for the admission of foreign vessels to American registry. 1. This would double the amount of exports carried under the American flag. 2. The argument that free ships would kill the ship-building industry is unsound. *x.* Americans can now compete on equal terms with any nation. *1'.* We do in other industries.

III. Further subsidies are undesirable. A. They are undesirable for economic reasons. 1. They would be very expensive. *x.* The cost at the outset would be great. *y.* The demand would constantly be for larger sums. 2. No commensurate return would be received. *x.* Shipping rates would not be affected. *y.* New markets would not be opened. *1'.* Mail facilities

are at present ample. 2'. Trade is a matter of business, not sentiment. 3. Bad management of shipping lines would be sure to follow. *x*. The healthful stimulus of enterprise resting on private skill would be wanting. B. Further subsidies are undesirable for political reasons. 1. Subsidies are class legislation. *x*. They burden the people as a whole for the benefit of a single industry. *y*. A bounty on agricultural products could be given with as much justice. 2. Subsidies debauch public morals. *x*. Great opportunities are offered for corrupt practices. 3. Subsidies are unconstitutional. *x*. Taxation can only be for a public use.

IV. The experience of this and other nations is unfavorable to subsidies. A. The experience of the United States is unfavorable. 1. Subsidies were unsuccessful in the case of the Collins Line. *x*. An extravagant and unwise policy was encouraged. *y*. No manifest benefits were received. *z*. Failure resulted. 2. Subsidies were unsuccessful in the case of the Pacific Mail Company. *w*. Much money was spent. *x*. Trade was not increased. *y*. The general marine declined. *z*. Legislative corruption was flagrant. 3. The present postal subsidy has not been successful. *x*. Wholly excessive charges have been paid. *y*. The increase in the marine has been immaterial. B. The experience of France is unfavorable to subsidies. 1. Enormous sums have been spent. 2. The marine has steadily declined. C. The experience of Italy is unfavorable. 1. No adequate return has been received for the money spent. D. The argument that the experience of Great Britain, of Germany, and of Norway is favorable to subsidies is untenable. 1. The strength of the British marine is not due to subsidies. *w*. The vessels

subsidized are a small part of the whole marine. *x*. The total subsidy is small. *y*. No sum is bestowed for which an equivalent is not received. 1'. In mail service. 2'. In building according to Admiralty requirements. *z*. No general bounties for construction or operation are given. 2. The strength of the German marine is not due to subsidies. *x*. Commercial skill and industry have been the controlling factors. *y*. Subsidies have been given only for specific services. *z*. No general remuneration is granted for construction or operation. 3. The strength of the marine of Norway and Sweden is not due to subsidies. *x*. But trifling sums have been spent.



## XVI

### TRUSTS

PROPOSITION: Further Federal legislation in respect to trusts and industrial combinations is desirable.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *List of Books relating to Trusts* (2nd ed.) ; *Chautauquan*, XXX., 237 (Bib.) ; C. J. Bullock, "Trust Literature," in *Quarterly Journal of Economics*, XV., 167 ; John Moody, *The Truth about Trusts* (Bib.) ; E. von Halle, *Trusts* (Bib.) ; R. T. Ely, *Monopolies and Trusts* ; E. S. Meade, *Trust Finance* ; A. B. Nettleton, *Trusts or Competition ?* ; H. C. Macrosty, *Trusts and the State* ; *Chicago Conference on Trusts* ; *Encyclopædia Britannica*, XXXIII. (New), 460 ; *New International Encyclopædia*, XVI., 956 ; "Bills and Debates in Congress relating to Trusts," in *Senate Documents*, 57th Cong., 2nd Sess., No. 147 ; *United States Statutes at Large*, XXVI., 209 ; XXXII., Pt. I, pp. 828, 847 ; *United States v. E. C. Knight Co.*, 156 *United States Reports*, 1 ; *Addyston Pipe and Steel Co. v. United States*, 175 *United States Reports*, 211 ; *United States v. Northern Securities Co.*, 120 *Federal Reporter*, 721 ; Annual Reports of the Commissioner of Corporations ; *Report of the Industrial Commission*, I., II., XIII., XVIII., XIX. (see Indexes) ; *Bulletin of Department of Labor*, No. 29 ; *Twelfth Census*, VII., lxxv-xcii ; "Trusts and Trade Combinations in Europe," in *Special Consular Reports*, Vol. 21, Pt. 3 ; *House Reports*, 50th Cong., 1st Sess., No. 3112 ;

New York State Legislature, *Report of the Joint Committee appointed to investigate Trusts* (1897).

**I.** The question is important.      **A.** The trust problem is by many regarded as the most important economic problem of to-day.      **1.** Vast amounts of capital are involved.      **2.** Great masses of the community are affected.      *x.* As independent producers.      *y.* As consumers.      *z.* As wage-earners.      **B.** The question of further federal legislation has been much discussed.      **1.** By the executive branch of the government.      **2.** By Congress.      **3.** By the press and public.

**II.** It is generally admitted.      **A.** That trusts, commonly although not accurately speaking, are large corporations which, through the aggregation of capital, are able to control the whole or the greater part of an industry.      **B.** That the most important Federal legislation in respect to trusts has been as follows:      **1.** All combinations, contracts, and conspiracies in restraint of trade have been declared illegal.      **2.** A Bureau of Corporations has been established whose duty it is to collect data about trusts.      **3.** The giving and taking of railroad rebates has been made unlawful.

**III.** The question whether there should be additional legislation by Congress seems to present five main issues.      **A.** Are trusts a political evil?      **B.** Are they an economic evil?      **C.** Are they a social evil?      **D.** Are they a financial evil?      **E.** Is further Federal legislation desirable?

### Brief for the Affirmative

REFERENCES: J. W. Jenks, *The Trust Problem* (New ed.) ; G. H. Montague, *Trusts of To-day* ; C. W. Baker, *Monopolies*

*and the People*; J. M. Bonham, *Railway Secrecy and Trusts*; H. D. Lloyd, *Wealth against Commonwealth*; W. M. Collier, *The Trusts*; G. L. Bolen, *Plain Facts as to the Trusts and the Tariff*; *Senate Documents*, 57th Cong., 2nd Sess., No. 73; *House Reports*, 56th Cong., 1st Sess., No. 1501; 57th Cong., 2nd Sess., No. 3375; W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 888, 1012, 1285, 1346; *Forum*, XXVI., 452; XXVII., 523; XXVIII., 412; *North American Review*, Vol. 138, p. 535; Vol. 144, p. 277; Vol. 146, p. 509; Vol. 157, p. 30; Vol. 164, p. 294; Vol. 169, p. 210; Vol. 172, p. 906; Vol. 174, p. 778; Vol. 175, pp. 877, 895; *Arena*, XIX., 289; XXII., 191; XXIII., 40; XXIV., 1, 313, 569; XXV., 264; XXVI., 362; XXVIII., 449; XXIX., 414, 644; XXX., 200, 337; *Quarterly Journal of Economics*, III., 117; XIV., 416; XV., 46, 371; *Political Science Quarterly*, IX., 486; XII., 212; XIII., 201; XV., 181; XVI., 463, XIX., 173; *Publications of American Economic Association*, 3d Ser., Vol. 1, pp. 149-211; 3d Ser., Vol. 5, p. 91; *Annals of American Academy of Political and Social Science*, V., 373; XV., 41; XVI., 345; XXIV., 89, 125; *American Journal of Sociology*, V., 228; VIII., 58, 456; IX., 208; *Journal of Political Economy*, VIII., 242; XII., 382, 525; *Century*, LX., 152; LXV., 148; LXVIII., 954; *International Monthly*, IV., 648; V., 127; *Atlantic Monthly*, LXXXV., 47; LXXXVII., 737; LXXXIX., 332; *American Review of Reviews*, XIX., 675; XX., 397, 455; XXI., 445; XXII., 439, 578; *Chautauquan*, XXIX., 347; *Fortnightly Review*, LXXVII., 650; *Contemporary Review*, LVII., 829; *Nineteenth Century*, XXIX., 832; *Outlook*, LXXII., 113, 206, 880; *Nation*, XLVII., 125, 491; XLVIII., 108; XLIX., 186; LXXI., 4; LXXII., 448; LXXVIII., 82; *Independent*, LI., 2602; LII., 1456; LIII., 1001; LIV., 2132, 2927; LV., 123, 539; LVII., 618.

I. Trusts are a political evil.      A. They destroy the right of the citizen to engage in lawful business as he pleases.      1. Independent producers who refuse to

sell to the trust are ruined. *x*. Through the control of transportation. *y*. By underselling. *z*. By intimidation. 2. Retailers who refuse to be dictated to are obliged to suspend. *x*. Other dealers are favored. B. Trusts have a corrupting influence on officials and institutions. 1. Political parties are controlled. *x*. By subscriptions to campaign funds. 2. Favorable legislation is secured and unfavorable legislation avoided. *x*. By the illegal use of money. 3. Courts are improperly influenced. 4. Officials are interfered with in the exercise of their duty. C. Trusts flagrantly abuse the privileges of the State. 1. The privilege of incorporation is granted that the public good may be subserved. 2. Trusts secure incorporation to promote schemes impossible for individuals or partnerships.

II. Trusts are an economic evil. A. They injure consumers. 1. They are able arbitrarily to raise prices. *x*. By the control of production. *y*. By stifling competition. 2. Statistics show that trusts have, in fact, raised prices. 3. The argument that trusts are able, through the principle of combination, to lower prices, is unsound. *x*. There is a limit to the cheapening of production. *y*. This limit is reached when the facilities of a single plant are utilized in the best manner. *z*. If favoritism and discrimination were stopped, cost of distribution would be little less for the trust than for independent producers. 4. The fact that trusts have lowered prices on certain articles furnishes no argument in their support. *x*. Prices were reduced because lower wages were paid. *y*. Because raw materials were obtained cheaper. B. Trusts injure laborers. 1. Many men have been thrown out of employment.

2. Wages in many industries are lower. 3. The power of unions has been checked. *x*. Any single plant can be closed without serious loss. C. Trusts injure producers. 1. Producers are obliged to accept for raw material what the trust chooses to pay. *x*. The trust controls the market. D. The argument that trusts are an economic benefit to the nation is untenable. 1. They are not, as contended, necessary for competition in foreign trade. *x*. The success of the United States in foreign trade has been due to causes remote from combination. 1'. To better and cheaper raw material. 2'. To better labor. *y*. Industry abroad is not organized as it is in the United States. 2. Trusts are not, as contended, necessary in order to compete for large contracts. *x*. Independent concerns, organized on a large basis, have ample capital. *y*. They have ample facilities.

III. Trusts are a social evil. A. They are responsible for great social inequality. 1. The rich are made richer. *x*. Vast fortunes are easily and rapidly accumulated. 2. The poor are made poorer. *x*. A decreasing share of the total production of wealth is secured by labor. 3. Personal relations between employer and employee are impossible. B. Trusts sink commercial character and individuality. 1. Small dealers, even if not directly interfered with, cannot successfully continue. *x*. They are unable to compete. 2. Employees are reduced to mere machines. *x*. Self-reliance is unnecessary. *y*. Responsibility is lost. *z*. Opportunity is checked. C. Trusts accelerate the movement of population to cities. 1. Plants in smaller communities are closed. 2. Industry is concentrated in a few important trade centres.

IV. Trusts are a financial evil. A. They bring about general financial instability. 1. Great quantities of worthless securities are placed upon the market. *x*. Companies are over-capitalized. *y*. Stocks are watered. 2. Banks and trust companies are tempted to unsound financial undertakings. B. Trusts injure legitimate investors. 1. Securities are unloaded on investors at fraudulent and fictitious prices. 2. Exorbitant fees are paid to those who do not earn them. *x*. To promoters. *y*. To underwriters. 3. Business affairs are badly managed. *x*. Corporations are controlled for the benefit of the directors as stock-traders, not for the profit of the shareholders. *y*. Dividends are paid out of capital. C. Trusts encourage widespread gambling and stock speculation. 1. A market is created for poor securities by clever manipulation. 2. Manipulation is the basis for all speculation in stocks.

V. Further Federal legislation is desirable. A. Trusts in the United States are growing in power and importance. 1. A large part of the gross production of manufacturing industries is now made by them. 2. Combination in new industries and the absorption of new concerns is rapidly going on. B. State legislation has proved inexpedient. 1. State control has been notoriously lax and pliant. 2. There has been no uniformity or comity in State action. *x*. What is freely permitted by one is forbidden by another. 3. Trusts are national in scope and influence. *x*. Production is carried on in many States. *y*. Distribution in all. *z*. Stock is held throughout the country. C. The present Federal legislation has proved inadequate. 1. Unfair competition goes on.



2. Consumers pay monopoly prices. 3. Vast fortunes are still accumulated at the expense of the State. 4. Investors are imposed upon. D. Further Federal legislation of many sorts is expedient and feasible. 1. A constitutional amendment giving full power to Congress may be adopted. 2. The power of taxation may be utilized. 3. The control of the mails may be exercised. 4. Patent laws may be amended. 5. The power to regulate commerce may be invoked. *x.* To permit or compel corporations to organize under Federal charters. *y.* To permit or compel them to secure a Federal license to transact interstate business. *z.* To control by a commission similar to the Interstate Commerce Commission.

### Brief for the Negative

REFERENCES: George Gunton, *Trusts and the Public*; J. B. Clark, *The Control of Trusts*; J. R. Dos Passos, *Commercial Trusts*; S. C. T. Dodd, *Combinations; their Uses and Abuses*; *The Trust; Its Book* (Bib.); *Corporations and Public Welfare*, p. 109; *Forum*, V., 584; VIII., 61; XXVII., 257, 268; XXVIII., 732; XXX., 286; XXXI., 213; *North American Review*, Vol. 136, p. 181; Vol. 148, p. 141; Vol. 164, p. 719; Vol. 169, p. 375; Vol. 170, p. 244; Vol. 172, p. 641; Vol. 175, p. 877; Vol. 179, p. 420; *Political Science Quarterly*, II., 45, 63; III., 385, 572; XII., 622; XVIII., 1, 462; *Arena*, XXII., 301; XXIII., 617; XXIV., 405; XXIX., 63; *Popular Science Monthly*, XXXIII., 42; XXXIV., 619; XLIV., 740; XLV., 289; *Scribner's Magazine*, XXVI., 604; XXVII., 379; *Gunton's Magazine*, XI., 402; XII., 251, 258, 334; XIII., 9, 251; XIV., 158; XVI., 443; XVII., 81, 168; XVIII., 143; XIX., 209, 344; XX., 117; XXIV., 95, 189; XXV., 1, 295; *Annals of American Academy of Political and Social Science*, V., 569; XV., 69; XXIV.,

113; *Yale Review*, VII., 72; VIII., 362; *International Journal of Ethics*, IV., 321; X., 273; XII., 59; *Economic Review*, XIV., 1; *Journal of Political Economy*, VIII., 1, 19; *Quarterly Journal of Economics*, XVI., 94; *Century*, LX., 143; *Atlantic Monthly*, LXXIX., 377; *American Review of Reviews*, XX., 305; *International Quarterly*, IX., 394; *International Monthly*, IV., 648; *Contemporary Review*, LXXX., 177, 333; *Fortnightly Review*, LXXVI., 76; *Nation*, LXX., 392, 431; LXXI., 166; *Independent*, LI., 2634, 3375; LII., 540, 645; *Public Opinion*, XXII., 296.

I. Trusts are an economic benefit. A. They benefit consumers. 1. The consumer gets better goods. *x*. Better raw materials are used. *y*. Goods are made under sanitary conditions. *z*. Adulteration is much less frequent. 2. The consumer pays lower prices. *x*. The cost of production is less. 1'. Abler men are employed. 2'. Fewer plants are necessary. 3'. Each plant is utilized to the best advantage. 4'. The best business and mechanical facilities are employed. 5'. Raw material is bought on the largest scale, by the most experienced buyers, for cash. 6'. Over-production is avoided. *y*. The cost of distribution is less. 1'. Transportation is cheaper. 2'. Advertising is less expensive. 3'. Bad credits are fewer. 4'. Salesmen and middlemen are dispensed with. 5'. Charges for storage, interest, and insurance are less. 3. The argument that the consumer is not benefited because competition is destroyed is untenable. *x*. Unrestricted competition is harmful. 1'. It produces shoddy goods. 2'. Low wages. 3'. Panics. 4'. Waste. *y*. Combination does not destroy competition. 1'. Independent production continues. 2'. New capital is always seeking an outlet. 3'. Foreign producers are ready to step in. 4. The real interest of the trust is to secure increased sales at de-

creased prices. *x*. If prices are raised the purchaser will substitute. B. Trusts benefit producers. 1. Producers are guaranteed a constant and a stable market. 2. They are assured a fair price. C. Trusts benefit the nation. 1. They have made possible the gigantic commercial enterprises of the day. 2. They have greatly increased export trade. 3. The argument that these benefits could be attained through independent effort is untenable. *x*. There would be insufficient capital. 4. Facilities would be inadequate.

II. Trusts are a social benefit. A. They have greatly improved the condition of the laboring class. 1. More men are employed. *x*. In the production of raw material. *y*. In the increased production of goods for the foreign trade. *z*. In transportation and distribution. 2. Hours of work are shorter. 3. Better wages are paid. 4. Payment is assured. 5. Employment is constant and regular. 6. The health and general welfare of employees is more carefully guarded. 7. More efficient organization of labor is possible. B. Trusts have lessened the strife between capital and labor. 1. Improved conditions have made labor more contented. 2. Organized capital has more sympathy for organized labor. 3. Trade agreements are common. C. Trusts give better opportunities for the promotion and advancement of employees. 1. Personal favoritism is less likely. 2. Ability only counts. D. The argument that trusts check the development of individuality is untenable. 1. Directors are always on the lookout for branch managers and men who can be placed in positions of responsibility. 2. Railroad organizations, it is generally conceded, have always developed a high degree of individuality in officials.

3. More skill is required to manage superiors than inferiors. E. The argument that trusts are a social evil because they tend to concentrate the industrial population is untenable. 1. The condition of wage-earners is much better in cities than in the country. *x*. Opportunities for improvement are greater. *y*. The average of intelligence and well-being is higher.

**III.** Trusts are a financial benefit. A. They give stability to the business world. 1. They develop the best financial talent. 2. They avert panics and periods of depression. *x*. Demand and supply are gauged with greater precision. B. Trusts furnish excellent opportunities for investment. 1. Large returns are made possible to investors through combination. 2. The argument that trusts are injurious to investors because of over-capitalization and stock-watering is untenable. *x*. The face value of securities is simply an estimate of potential earning power. *y*. The number of securities represents a fraction, great or small, of the total capital. *z*. Quotations soon establish actual value. 3. The argument that trusts are injurious to investors because of bad business management is untenable. *x*. The stability and business organization of industrial combinations as a whole must not be judged by a few notable exceptions.

**IV.** The arguments advanced to prove that trusts are a political evil are unsound. A. The argument that they are monopolies is unsound. 1. No trusts in the United States control the entire output. 2. Combination does not necessarily make monopoly. 3. Monopoly is objectionable only in so far as it raises prices. 4. The government every day creates the most effective monopolies. *x*. Patents. *y*. Copyrights. B. The

argument that trusts are a political evil because they prevent independent producers from engaging in business is untenable. 1. Unfair competition is not an essential feature of industrial combinations. 2. Unfair competition has been almost wholly eliminated. *x*. By the prohibition of railroad rebates. C. The argument that trusts are an evil because they induce political dishonesty is of little weight. 1. Corruption exists only in rare and exceptional cases. 2. It is no more common than it was before combinations became general. 3. The obvious remedy is to select better officials.

V. Further Federal legislation would be undesirable. A. It could accomplish no good end. 1. So far as abuses have arisen they are amply met by present legislation. *x*. Combinations and conspiracies in restraint of trade are forbidden. *y*. Unfair competition has been prevented. *z*. Publicity in the widest sense is assured. 2. So far as legislation might attempt to check the principle of combination it would be unavailing. *x*. The inevitable trend of industry cannot be checked by artificial law. B. Further Federal legislation would do much harm. 1. Widespread business uncertainty would result. 2. The movement of capital to new enterprises would be seriously checked. 3. Panics and depression would probably follow. C. The legislation which has been especially suggested is unwise and impracticable. 1. To secure a constitutional amendment giving Congress complete power over industrial combinations is impracticable. *x*. The consent of the States could never be obtained. 2. To incorporate combinations under the interstate commerce clause would be unconstitutional.

*x.* Federal incorporation is permissible only to carry out well-defined Federal powers. *y.* Manufacturing corporations execute no Federal powers. 3. To compel corporations doing an interstate business to secure a Federal license, would be very unwise. *x.* A large part of the business of the country would be removed from the control of the States to the hands of Federal officials. *y.* The State judiciaries would lose much of their importance. *z.* The harmful tendency towards centralization would be greatly strengthened.



## XVII

### AN ASSET CURRENCY

PROPOSITION: National banks should be permitted to issue notes based on their general assets.

#### Introduction

GENERAL REFERENCES: Horace White, *Money and Banking* (2nd ed.), Bk. III. and Appendixes (Bib.) ; *Sound Currency*, VII., No. 12 (Bib.) ; C. A. Conant, *History of Modern Banks of Issue* (Bib.) ; J. J. Knox, *History of Banking* ; A. B. Hepburn, *History of Coinage and Currency in the United States* (Bib.) ; C. F. Dunbar, *Chapters on Banking* (2nd ed.) ; *Senate Executive Documents*, 52nd Cong., 2nd Sess., No. 38 (Bib.) ; "Coinage, Currency, and Banking Laws of the United States," in *Sound Currency*, II., No. 17 ; VIII., No. 2 ; *Revised Statutes of the United States*, Secs. 5157-5189 ; *Supplement to the Revised Statutes* (2nd ed.), I., 27, 353 ; *Statutes at Large*, XXXI., 48, 49 ; *New International Encyclopædia*, II., 434-439 ; *Encyclopedia Americana*, II. (Banks and Banking) ; *Report of the Monetary Commission of the Indianapolis Convention* ; *House Reports*, 53d Cong., 3d Sess., No. 1508 ; *Forum*, XXIX., 129 ; *Yale Review*, VII., 50 ; *Quarterly Journal of Economics*, XVIII., 114 ; *Chautauquan*, XVI., 32 ; *Journal of Political Economy*, III., 101 ; *Banker's Magazine* (New York), LII.— ; Annual Reports of the Secretary of the Treasury and the Comptroller of the Currency ; Proceedings of the Annual Conventions of the American Banker's Association.

**I.** The question is important.      **A.** The present system of note issue by national banks is by many regarded as defective.      **B.** Many believe that for it an issue based on general assets should be adopted.      **C.** By others, both of these propositions are denied.

**II.** It is generally admitted.      **A.** That the present system of note issue is as follows:      **1.** National banks may issue notes to the par value of government bonds purchased and deposited as security with the Comptroller of the Currency.      **2.** They must maintain with the Comptroller a redemption fund of five per cent of their outstanding issue.      **B.** The essential features of the proposed change are as follows:      **1.** Banks would be permitted to issue notes up to a certain per cent of their capital.      **2.** They would be obliged to maintain a common fund for the redemption of the notes of failed banks.      **3.** Notes would be a first lien on all assets and a claim on shareholders to the amount of their holdings.

**III.** The question whether this change should be adopted seems to present four main issues.      **A.** Is the present system of note issue defective?      **B.** Would the asserted evils of the present system be remedied by the adoption of the system proposed?      **C.** Would the proposed system be safe?      **D.** Is the experience of banking organizations favorable to the proposed system?

### Brief for the Affirmative

REFERENCES: *Sound Currency*, II., Nos. 1, 2, 5, 8, 9, 13; III., Nos. 9, 22, 23; IV., Nos. 2-4, 6, 9-11, 19, 22, 23; V., Nos. 1, 3, 10, 12, 14, 17, 23; VI., Nos. 4, 9-12; VII., Nos. 3, 4; VIII., Nos. 1, 4; IX., Nos. 2-4; X., Nos. 1-4; XI.,

Nos. 1, 2; *House Reports*, 52nd Cong., 2nd Sess., No. 2584; 55th Cong., 2nd Sess., No. 1575; 56th Cong., 2nd Sess., No. 2955; 57th Cong., 1st Sess., No. 1425; 57th Cong., 2nd Sess., No. 3148, Pts. 1, 2; *Forum*, XII., 476, 772; XIII., 325, 725; XVIII., 385, 641; XX., 513; XXIV., 303; *North American Review*, Vol. 166, p. 172; Vol. 173, p. 854; Vol. 177, p. 487; *Quarterly Journal of Economics*, VII., 55; XII., 307; *Political Science Quarterly*, XV., 495; *Annals of American Academy of Political and Social Science*, III., 529, 559, 573, 581; *Journal of Social Science*, XXXVIII., 212; *Publications of American Economic Association*, X., Nos. 1-3; *Economic Studies*, IV., 31; *Journal of Political Economy*, VI., 93, 311; VII., 253; X., 119; *Century*, LV., 627; *Nation*, LXVII., 197; LXXV., 438; LXXVII., 99, 200, 334, 356.

I. The present system of note issue is defective.

A. It was founded on an emergency. 1. The design was primarily to furnish a market for government bonds, not to provide a banking system. B. The system rests on an improper basis. 1. On long-term, non-liquid investments which bear no relation to business transactions. 2. On the maintenance of a public debt. 3. On the continued dependence of banks on the government. C. The system has proved ill-adapted to business needs. 1. When the demand for currency is greatest, the supply is least. *x*. The cost makes it profitable at such times to retire rather than to issue notes. *y*. Even if banks wish to increase their issue, much time is required to purchase and deposit bonds. 2. When the demand for currency is least, the supply is greatest. *x*. At such times only is circulation profitable. *y*. Even if banks wish to retire their issue, the process is difficult. 1'. They have no power to redeem directly. D. This lack of adaptability

to business needs has given rise to serious financial evils.

1. Evils have been caused by the periodic stringency.
  - w.* The price of securities has rapidly fallen.
  - x.* There has been insufficient money to market the crops.
  - y.* The gold reserve has been maintained with great difficulty.
  - z.* Financial panics have narrowly been averted.
2. Evils have been caused by the periodic redundancy.
  - x.* Deposits have been inflated.
  - y.* Interest rates have been abnormally depressed.
  - z.* Speculative and hazardous undertakings have been encouraged.
3. Evils have arisen due to both causes.
  - x.* Money has been transmitted at great expense.
  - y.* Rates of interest have fluctuated widely.

II. The evils of the present system would be remedied by the adoption of the change proposed.

A. The system of note issue would be placed on a proper basis.

1. It would rest on easily convertible business assets.
2. The necessity for maintaining a public debt would be done away with.

B. The currency would be better adapted to meet business needs.

1. The periodic stringency and its attendant evils would cease.
  - x.* When the demand for currency was greatest the supply would be greatest.
  - 1'. The issue of notes would be profitable.
  - 2'. It could be speedily accomplished.
2. The periodic redundancy and its attendant evils would cease.
  - x.* When the demand for currency grew less, the volume would decrease.
  - 1'. The retirement of notes would be advantageous.
  - 2'. It could be simply and automatically carried out.
3. Other evils would be remedied.
  - x.* The necessity of transmitting currency would no longer arise.
  - y.* Loans could be placed at more uniform and lower rates.

**III.** The proposed system would be safe.      **A.** It would rest on an absolutely safe foundation.      **1.** The entire exchangeable wealth of the country would be behind it.      **2.** If the private business of the land is not solvent, the public finances cannot be.      **B.** The system would be carried on in a safe manner.      **1.** There would be no danger of over-issue.      *x.* Over-issue would be checked by daily calls for redemption.      *y.* By the watchful interest of other banks.      *z.* By the liability imposed on officers and shareholders.      **2.** The argument that banks would be organized for fraudulent over-issue is untenable.      *x.* The supervision of the Comptroller would prevent this.      **3.** Dangerous expansion is much more likely to take the form of undue extension of credit than over-issue.      **C.** The history of banking in the United States demonstrates the safety of an asset currency.      **1.** In ante-bellum days the safest banks were those which based their issues on their business assets.      **2.** Under the National Banking Act a small annual tax would have been sufficient to have redeemed the notes of all failed banks had there been no bond security.

**IV.** The experience of banking organizations is favorable to the proposed system.      **A.** An asset currency has been successful in Europe.      **1.** In France.      **2.** Germany.      **3.** Scotland.      **4.** Holland.      **5.** Belgium.      **6.** Austria-Hungary.      **B.** It has been successful in Canada.      **C.** It has been successful in the United States.      **1.** In the Suffolk system.      **2.** In the New York system.      **3.** The argument that our experience with wildcat banking should make us hesitate to adopt an asset currency is untenable.      *x.* The evils of wildcat banking were due to lack of knowledge of what

property was behind issues. *y.* To insufficient and improper supervision. *z.* To lack of uniform methods.

### Brief for the Negative

REFERENCES: *North American Review*, Vol. 178, p. 388; *Forum*, XII., 186, 483; XXII., 182; *Political Science Quarterly*, XI., 133; *Arena*, XIX., 602; XX., 39; XXI., 151; XXII., 740; XXX., 382; *Annals of American Academy of Political and Social Science*, III., 597; XI., 191; XIII., 31.

I. The present system of note issue is excellent.  
 A. The system has given a pre-eminently safe issue.  
 1. Not a dollar has been lost by a note-holder since the National Banking Act went into effect. 2. Notes are good whether a bank has assets or not.  
 B. The present system has given a uniform issue. 1. Notes of national banks are accepted throughout the country without scrutiny. 2. The fact that a bank may be in liquidation does not affect the currency of its notes.  
 C. The charge that the present system compels the maintenance of undesirable relations between national banks and the government is untenable. 1. The connection has been mutually advantageous. 2. There is little likelihood that the nation will ever be free from a bonded debt.  
 D. The charge that the present system has not provided a sufficiently elastic currency is much exaggerated. 1. Practical evils of weight due to inelasticity cannot be shown. *w.* The country has been continuously and progressively prosperous. *x.* Statistics show no connection between speculation and an abundant currency. *y.* No amount of currency will prevent financial panics. *z.* The gold reserve has been endangered by other causes. 2. Whatever the-



oretical inelasticity may have existed, the currency has now been made sufficient to meet all demands. *x.* By the formation of new banks with a small capital. *y.* By the increase of gold certificates. *z.* By the growth of check and deposit accounts.

II. The proposed system would not be safe. A. It would not rest on a safe foundation. 1. The value of business credits depends on the judgment of each banker. 2. Even under the most careful management their value is fluctuating. 3. The best banks would not issue circulation. *x.* They would refuse to be held liable for the shortcomings of persons wholly unconnected with them. 4. In times of panic an additional menace to credit would be offered. *x.* With the demand for the redemption of notes would be coupled a demand for deposits. B. The system could not be safely carried on. 1. Too many banks would engage in issue. *x.* Too many now have the privilege. *y.* Many private banks would seek national charters. *z.* A few large central institutions are essential to the success of any credit currency. 2. Over-issue would be inevitable. *x.* The temptation to realize when large profits were possible would be irresistible. *y.* Banks would be organized for the sole purpose of fraudulent over-issue. C. The history of banking in the United States shows the lack of safety in an asset currency. 1. The wildcat issues of the period before the Civil War were based on business assets. 2. The fact that a comparatively small fund would have covered losses by bank failures under the National Banking Act proves nothing. *x.* Many more banks would issue. *y.* The supervision of the government would be less strict. *z.* Banks would not be so conservatively managed.

**III.** The experience of banking organizations argues nothing for the proposed system.      **A.** Conditions in Europe are wholly different from conditions in the United States.      1. There is a small number of large banks.      2. The area of business activity is small.      **B.** Conditions in Canada are different.      1. The right of issue is restricted to a few large banks.      2. The deposit business is unimportant.      3. The country is sparsely settled.      4. The need for banking facilities is slight.      **C.** Conditions in the United States under which, it is contended, asset systems were a success were wholly different.      1. The Suffolk and New York systems included but a few banks.      2. Business was confined to a small territory.      3. Personal supervision and an exact knowledge of conditions were possible.

## XVIII

### POSTAL SAVINGS BANKS

PROPOSITION: A system of postal savings banks should be established in the United States.

#### Introduction

GENERAL REFERENCES: J. H. Hamilton, *Savings and Savings Institutions* (Bib.); William Lewins, *History of Banks for Savings*; W. M. Handy, *Banking Systems of the World*, Chap. 16; "History of Savings Banks in the United States," in *History of Banking in all Nations*, II., 439; J. G. Dater, *Savings Banks and Safe Securities*; W. D. P. Bliss, *Encyclopædia of Social Reform*, pp. 1066, 1216; *New International Encyclopædia*, XIV., 421; *Encyclopædia Britannica*, XIX., 572; XXXI. (New), 863; "Postal Savings Banks in Foreign Countries," in *Senate Documents*, 55th Cong., 1st Sess., No. 154; *Senate Documents*, 55th Cong., 2nd Sess., No. 39; *Annual Report of the Secretary of the Treasury*, 1897, p. 362.

I. The question is important. A. Postal banks have been advocated by many Postmasters-General. B. Many bills providing for their organization have been introduced in Congress. C. They are in operation in nearly all European countries.

II. It is generally admitted. A. That institutions of any kind for savings are of great value. 1. They encourage thrift. 2. They promote happiness and

well-being. 3. They check extravagance and needless expenditure. B. Agencies for this purpose in the United States are now carried on by private enterprise. C. A plan for postal banks, widely advocated, is as follows: 1. Certain post-offices should be designated as banks of deposit. 2. The amount of money received by them would be limited. 3. A low rate of interest would be paid.

III. The question whether this plan should be adopted seems to present four main issues. A. Is there need for better facilities for saving in the United States? B. Would better facilities be provided by postal banks? C. Would postal banks be beneficial for other reasons? D. Are postal banks in the United States practicable?

### Brief for the Affirmative

REFERENCES: R. A. Dague, *A Postal Banking System*; Frank Parsons, *The Story of New Zealand*, Chap. 15; S. K. Bolton, *Social Studies in England*, p. 143; *Senate Reports*, 55th Cong., 3d Sess., No. 1504; *Senate Miscellaneous Documents*, 51st Cong., 2nd Sess., No. 91; *Senate Documents*, 55th Cong., 2nd Sess., No. 92; *House Reports*, 47th Cong., 1st Sess., No. 473; 51st Cong., 2nd Sess., No. 4002; *Annual Report of the Postmaster-General*, 1871-1873, 1880-1882, 1889-1891, 1898; *Munsey's Magazine*, XIX., 387; *Annals of American Academy of Political and Social Science*, VIII., 461; XI., 44; XVIII., 98; *Quarterly Journal of Economics*, XIII., 45; *Journal of Political Economy*, V., 505; VIII., 145; *Arena*, XXXIII., 31; *Forum*, XXI., 228; *Popular Science Monthly*, XXVIII., 160; *Journal of Social Science*, XXII., 156; *Chautauquan*, XXVI., 408; *National Magazine*, X., 421; *Penn Monthly*, III., 92; IX., 443, 501; *Banker's Magazine* (New York), XXXII., 467, 718; XXXIX., 363,

437 ; XLVII., 452 ; XLVIII., 545 ; *Edinburgh Review*, Vol. 138, p. 94 ; Vol. 176, p. 485 ; *Contemporary Review*, XXXIX., 780 ; LXXIX., 278 ; *Journal of the Royal Statistical Society*, LX., 278 ; *Nation*, XXVI., 223 ; XLIV., 315 ; *Spectator*, LVII., 1005 ; *Outlook*, LXXVII., 118.

I. There is need for better facilities for saving in the United States.

A. The security offered by existing institutions is inadequate.

1. The banking laws of many States are loose and unsatisfactory. 2. Banks do not enjoy popular confidence. 3. Failures are frequent. *x*. A larger proportion of savings banks fail than of any other kind.

B. The number and distribution of existing institutions is inadequate.

1. Banks are confined chiefly to the New England and Middle States. 2. The South and West have almost none.

3. The statement that there is no need for new banks in the South and West is untrue. *x*. The need is well shown by the number of money orders purchased in these sections payable to the purchasers.

C. The accommodations offered by existing institutions are inadequate.

1. Banks are inaccessible. 2. Hours are inconvenient. 3. Most banks refuse small deposits.

D. The lack of proper facilities for saving has produced bad results.

1. The people have been deterred from saving. *x*. The number of depositors in the United States is less than it should be. *y*. The amount of money deposited is less than it should be.

2. Habits of thrift and providence have not been inculcated.

*x*. The people of the United States are the least provident in the world. 3. Much money has been kept from circulation by being hoarded.

II. Better facilities for saving would be provided by a system of postal banks.

A. Better opportuni-

ties for saving would be provided. 1. Places of deposit would be within reach of all. *x*. The post-office touches every community, however remote. B. Better security for savings would be provided. 1. There would be an absolute guarantee for the return of principal and interest. *x*. The credit of the government would be behind every deposit. C. Better accommodations for savings would be provided. 1. Banking hours would be more convenient. 2. The forms would be easily intelligible. 3. The smallest sums would be received. D. The argument that a very low rate of interest only would be paid is immaterial. 1. The need of the people is for more secure and more accessible places for deposit, not for larger monetary returns.

III. Postal banks would be beneficial for other reasons. A. The government would be benefited. 1. It would be benefited politically. *v*. The people would be given a deeper interest in public affairs. *w*. A more conservative spirit would be inculcated. *x*. Contentment and happiness would be more widespread. *y*. The argument that postal banking is a paternal and hence an improper function for the government is unsound. 1'. It is no more paternal than the post-office itself. *z*. The argument that political corruption and dishonesty would be increased is unsound. 1'. Few new employees would be required. 2'. Civil-service regulations would almost uniformly apply. 3'. More important duties bring greater efficiency. 2. The government would be benefited financially by postal banks. *v*. The amount of money in circulation would be much increased. *w*. A large sum would be made available for borrowing purposes. *x*. The national



debt would be placed in the hands of citizens. *y*. The objection that money would be withdrawn from rural communities and concentrated in cities is untenable. *1'*. The money or its equivalent would rapidly reappear for investment. *z*. The objection that postal banks would be expensive is untenable. *1'*. Running expenses would be more than met by the difference between the interest paid and that received. B. Private savings banks would be benefited. *1*. The habit of saving would be instilled into a greater number of persons. *2*. Postal banks would act directly as feeders of existing institutions. *3*. The argument that postal banks would compete injuriously with private banks is untenable. *x*. A wholly different class of depositors would be appealed to. *y*. A much lower rate of interest would be paid. *z*. The amount on deposit would be limited. *4*. Foreign experience shows that postal banks are a help, not a hindrance, to private banks.

IV. Postal banks in the United States are practicable. A. The post-office is admirably adapted for their administration. *1*. This is shown by the increasing efficiency and rapid growth of the money-order system. *2*. By the success of the system of rural free delivery. *3*. By the fact that no great modification of the present machinery would be necessary. B. The statement that the investment of funds presents an insurmountable difficulty is untrue. *1*. National bonds furnish a field for accumulations of many years. *2*. If the national debt be reduced, investment could be made in State and municipal bonds. *x*. The tendency of States and municipalities to undertake great public improvements is general. *3*. Investment could be made in ordinary mortgage bonds. *4*. A considerable

amount could be loaned to national banks. C. The practicable character of postal banks is shown by their success in foreign countries. 1. They have been successful in Great Britain. *x*. Large sums have been received on deposit. *y*. The number of individual depositors is large and is constantly increasing. *z*. The administration of the system is attended with little difficulty. 2. Postal banks have been successful in other countries. *t*. In France. *u*. Italy. *v*. Austria-Hungary. *w*. Belgium. *x*. Russia. *y*. Japan. *z*. The British Colonies.

### Brief for the Negative

REFERENCES: J. H. Thiry, *Postal Savings Banks*; J. J. Lalor, *Cyclopædia of Political Science*, I., 258; *Gunton's Magazine*, XIV., 73; *Economic Review*, VIII., 289; XIV., 313; *Journal of Social Science*, IX., 44; *Banker's Magazine* (New York), XLVII., 241; XLVIII., 756; LIV., 815; LV., 333; LVI., 10, 37, 357, 387, 393; *North American Review*, Vol. 166, p. 342; *Forum*, XXIV., 471, 723; *Arena*, XVII., 947; *World's Work*, VII., 4074, 4245, 4589; *Westminster Review*, Vol. 147, p. 188; *Nation*, LXXVII., 354.

I. There is no need for further facilities for saving in the United States. A. The number of existing institutions is ample. 1. There are many savings banks. 2. There are many other institutions performing a similar function. *x*. Trust companies. *y*. Building and loan associations. *z*. Private banking houses. 3. The statement that though the Eastern and Middle States may be well supplied, there is need for banks in the South and West, is untrue. *x*. In the South and West money is used for investment, not in saving. *y*. As soon as any real need arises, banks are rapidly

supplied. B. The soundness of existing institutions for savings is undeniable. 1. Supervision is constant and strict. 2. Failures are rare. 3. Banks have unlimited popular confidence. C. The return by existing institutions to depositors is large. 1. It exceeds that from the highest grade of investment securities. D. The accommodations offered by existing institutions are excellent. 1. Most banks receive the smallest sums. 2. Banking hours and methods are adapted to the needs of every class. E. The adequacy of existing facilities is well shown by actual results. 1. More money is deposited in savings banks in the United States than in any other country. 2. The number of depositors includes a very large per cent of the population. 3. A work of enormous social and economic utility has been accomplished.

II. Better facilities for saving would not be provided by a system of postal banks. A. The return to depositors would be less. 1. Government banks would pay a much lower rate of interest than private institutions. B. The security of savings, as a whole, would be less. 1. The soundness of local institutions is often untouched by causes which undermine government credit. 2. The financial and banking experience of the United States has not been highly satisfactory. *x*. The government's part was discreditable in the case of the United States Bank. *y*. In the case of the Freedmen's Savings Bank. *z*. In the fiat currency craze. C. The accommodations afforded to depositors by postal banks would be less satisfactory than by private institutions. 1. Local concerns are in closer touch with local needs and conditions. 2. The difficulty of transacting business at government offices is

well known. *w.* The machinery is slow and cumbersome. *x.* The hours are short. *y.* Clerks are ill-mannered and inattentive. *z.* Mistakes of all kinds are constant.

### III. Postal banks would be injurious for other reasons.

A. The government would be injured. 1. It would be injured politically. *x.* Postal banking is a paternal and hence an improper function for the government. 1'. The State should undertake nothing that private enterprise can successfully accomplish. 2'. The State might as well conduct insurance and building and loan companies. *y.* Postal banking would lead to other and more dangerous socialistic schemes. 1'. To the acquisition of railroads and the telegraph. 2. The government would be injured financially by postal banks. *v.* Loss from unprofitable investments and dishonest and inaccurate employees would be inevitable. *w.* The number of postal employees would be much increased. *x.* Salaries would be raised. *y.* Congress might be tempted to use savings funds for improper purposes. *z.* Popular agitation might compel the payment of a higher rate of interest than investments permitted. B. The people would be injured by postal banks. 1. The development of borrowing sections would be paralyzed. *x.* Funds would be directed from local uses and concentrated in great cities. 2. The people as a whole would be taxed for the benefit of a few. C. Savings banks would be injured. 1. Much of the business savings banks now enjoy would be diverted to government banks. 2. Many private institutions would be forced to suspend. *x.* In Great Britain the number of private institutions has steadily diminished since government banks were established.

IV. Postal banks are impracticable in the United States.

A. There would be no satisfactory way in which to invest funds.

1. Investment in government bonds would be impracticable.

*x*. The number of bonds outstanding is insufficient to cover the savings of more than a few years.

*y*. The absorption of many bonds would undermine the national bank circulation.

*z*. The policy of the nation is to pay its debt.

2. Investment in State or municipal bonds would be impracticable.

*x*. The number is insufficient.

*y*. The security is doubtful.

*z*. The opportunity for political favoritism would be unlimited.

3. Investment in loans to national banks would be impracticable.

*x*. The government would be obliged to guarantee the soundness of the banks.

4. Investment in real-estate mortgages would be impracticable.

*x*. Insurmountable difficulties of administration would be presented.

B. The post-office department is incapable of satisfactorily conducting a system of postal banks.

1. It performs very ill its present duties.

*x*. The service is inadequate.

1'. With the exception of the system of rural free delivery, no advance has been made in the past ten years.

*y*. The administration is inefficient.

1'. Officials are appointed for political and not for business reasons.

*z*. The administration is very extravagant.

1'. Exorbitant sums are paid for carrying the mails.

2'. There is a large annual deficit.

3'. The publishers of periodicals are subsidized.

C. The argument that postal banks are practicable because they have been in successful operation abroad, is unsound.

1. Conditions in European countries are wholly different from conditions in the United States.

*w*. Abroad, government debts furnish a ready and convenient field for investment.

*x*. Popu-

lation is compact. *y*. Private banking facilities are not so good. *z*. Postal banks are in accord with the paternal character of the governments. 2. The real success of postal banks abroad may well be doubted. *x*. In most instances they have simply received funds which would have gone to private institutions. *y*. The depositors are chiefly those who have no need for special privileges.



# SOCIOLOGY



# SOCIOLOGY

## XIX

### GOVERNMENT OWNERSHIP OF RAILWAYS

PROPOSITION: The railways of the United States should be owned and operated by the government.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *List of Books relating to Railroads* (1904); Frank Hendrick, *Railway Control by Commissions*; B. H. Meyer, *Railway Legislation in the United States*; J. R. Dos Passos, *The Inter-State Commerce Act*; J. E. Le Rossignol, *Monopolies Past and Present*, Chap. 7; W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 754, 890, 917, 922, 1154, 1262, 1291; J. J. Lalor, *Cyclopædia of Political Science*, III., 493; *Encyclopedia Americana*, XIII. (Railway — many articles); *Report of the Industrial Commission*, IV., IX., XII., XVII., XIX. (see Indexes); "Foreign Railway Ownership and Operation," in *Senate Documents*, 55th Cong., 2nd Sess., No. 158; Annual Reports of the Interstate Commerce Commission; *United States Statutes at Large*, XXIV., 379; XXV., 585; XXVI., 743; XXXII., Pt. 1, p. 847; State of New York, *Report of the Special Committee on Railroads* (1879); *Proceedings of Eighth Annual Convention of Railroad Commissioners* (1896), pp. 66–88; *Senate Reports*, 49th Cong., 1st Sess., No. 46, Pts. 1, 2; *Senate Miscellaneous Documents*, 49th Cong., 2nd Sess., No. 66; *Political Science Quarterly*, XVII., 394; *Outlook*, LXXVII., 583; *Poor's Manual of Railroads*.

**I.** The question is important.      **A.** Railways have been called, next to printing, the greatest instruments of civilization.      **B.** Immense amounts of capital are invested in them.      **C.** Great masses of the community are affected.      **1.** As patrons.      **2.** As shareholders.      **3.** As employees.      **D.** Federal control and operation has been much discussed.

**II.** It is generally admitted.      **A.** That there are in the world to-day three kinds of railway systems.      **1.** Those owned and operated by the State.      **2.** Those owned by the State and leased to private companies.      **3.** Those owned by private companies, but subject to State control.      **B.** That in the United States the system is the last, the control being:      **1.** By the Interstate Commerce Commission.      **2.** By various State commissions.      **C.** Many who advocate a change propose that the railways should be acquired and operated by the Federal government.

**III.** Whether this change is desirable seems to depend on five main issues.      **A.** Is the present system of railway ownership and control in the United States objectionable?      **B.** Would the abuses of the present system, if they exist, be remedied by government ownership and operation?      **C.** Is government ownership and operation expedient for other reasons?      **D.** Is it practicable?      **E.** Is the experience of foreign nations favorable to it?

### Brief for the Affirmative

REFERENCES: J. F. Hudson, *The Railways and the Republic*; William Larrabee, *The Railroad Question*; James Hole, *National Railways* (2nd ed.); Charles Waring, *State Purchase of Railways*; Clement Edwards, *Railway Nationalization*;

Hugh Lusk, *Our Foes at Home*, Chap. 10; James Bryce, *The American Commonwealth* (3d ed.), II., Chap. 103; *Senate Documents*, 56th Cong., 1st Sess., No. 420; *North American Review*, Vol. 112, p. 31; Vol. 134, p. 134; Vol. 154, p. 742; Vol. 156, p. 561; Vol. 158, p. 294; Vol. 174, p. 46; *Harper's Magazine*, LXXIII., 250, 450, 571; *Forum*, III., 392; X., 174; XVII., 81; XVIII., 704; XXVIII., 412; XXXII., 201; *Arena*, III., 291; IV., 152, 273; V., 297; VII., 58, 209; IX., 460; XII., 218; XIX., 218; XXIX., 91; XXX., 55; XXXI., 12, 209; XXXII., 147; *Annals of American Academy of Political and Social Science*, II., 433; X., 389; XIII., 143, 291; XV., 41; XIX., 108; *Publications of American Economic Association*, I., No. 6; II., No. 3; 3d Ser., IV., 71; *Economic Studies*, III., 349; *Quarterly Journal of Economics*, II., 353; *Popular Science Monthly*, XXIII., 289; LI., 811; LIII., 609; *Journal of Political Economy*, I., 179; *Atlantic Monthly*, LXXVI., 119; LXXXI., 120; *Canadian Magazine*, XV., 404, 531; XVI., 60, 164; XVII., 85; *American Review of Reviews*, XXIV., 163; *American Law Review*, XXVIII., 608; *World's Work*, IX., 5699; *Westminster Review*, Vol. 142, p. 1; *Fortnightly Review*, XLV., 449, 462, 737; XLVI., 671; *Nation*, XXVIII., 298; XXXIII., 67; XXXVI., 100.

I. The present system of railway ownership and control in the United States is objectionable. A. The system places too great power in the hands of a few. 1. Railways constitute a large part of the national wealth. 2. A considerable per cent of the total mileage is controlled by a few corporations. B. The system is wasteful. 1. Unnecessary duplication is carried on. *x*. In lines. *y*. In equipment. *z*. In service. 2. Needless expenses are incurred. *w*. For salaries. *x*. For passes. *y*. In rate wars. *z*. To secure business. C. The system is a flagrant cause of political immorality. 1. The favor of legislatures,

courts, and executives is purchased by railways.

2. The selection of officials is dictated. 3. Party primaries and conventions are dominated. D. The system permits secret and unjust discrimination in rates.

1. Discrimination is made in favor of large shippers and against small ones. 2. In favor of shipping centres and against rural localities. 3. In the operation of private car lines. E. The system fosters exorbitant and unstable rates.

1. Passenger rates are much higher than abroad. 2. Freight rates are much higher than they need be. 3. Both fares and rates are constantly fluctuating. F. The system affords facilities that are unsatisfactory and unsafe.

1. Mileage is not distributed according to population or area. 2. Accommodations, except on trunk lines, are inadequate. 3. Accidents and deaths are much more common than in Europe. G. The system allows great monopolies to be built up and sustained.

1. The growth of industrial combinations of the United States has been chiefly due to discriminations in freight rates. H. Many other serious abuses exist.

1. Railways are greatly over-capitalized. 2. Their securities form the principal subject of stock gambling. 3. Litigation and the business of the courts is unwarrantably increased. 4. Industry is periodically disturbed by strikes.

**II.** The abuses of the present system would be remedied by government ownership and operation.

A. Discrimination and the attendant evils would be stopped.

1. Conflict of interest, to which discrimination is due, would cease to exist. B. Rates would be lowered.

1. Great savings would be effected by consolidation.  $\alpha$ . By the consolidation of lines.  $\gamma$ . Of



equipment. *z.* Of offices and officials. 2. Many expenses would be eliminated. *u.* Taxation. *v.* Interest charges. *w.* Passes. *x.* Litigation. *y.* Advertising. *z.* Corruption funds. 3. Traffic would be greatly increased. *x.* Experience shows that the per cent of increase of traffic is larger than the per cent of decrease in rates. C. Facilities would be improved. 1. Mileage would be more evenly distributed. 2. Schedules would be better suited to public convenience. 3. Accommodations would be more uniformly good. D. Other abuses would be remedied. 1. Better provision would be made for the safety of employees and the public. 2. The greatest cause of political corruption would be checked. 3. Stock gambling would be largely done away with.

III. Government ownership and operation is expedient for other reasons. A. The ownership and operation of railways is essentially a function of government. 1. Railways are a monopoly issuing from the government and dependent upon it. B. Government ownership would return a large revenue. 1. The great saving would permit a reduction of rates and at the same time secure a large profit. C. Great social utilities would be effected. 1. The educational and refining influence of travel would be opened to greater numbers. 2. The supply of labor would be rendered more mobile. 3. A more equitable distribution of wealth would follow. 4. Population would be decentralized. 5. Employees would secure higher wages and shorter hours for labor. D. The argument that government ownership and operation would be inexpedient because of the increase of public patronage is unsound. 1. Railway employees form but a small

part of the total voting population. 2. The civil service would be strengthened by greater responsibility. 3. The post-office is free from political influence. 4. No possible influence could be more harmful than that now exerted. E. The argument that any abuses that may exist can be remedied by increasing the power of the Interstate and the State Commissions is unsound. 1. Experience has shown that these commissions are wholly ineffective. *x*. Though clothed for many years with ample statutory power, they have accomplished almost nothing.

IV. Government ownership and operation is practicable. A. The railways can be acquired without difficulty. 1. No increase in taxation would be necessary. *x*. Bonds could be issued for the entire amount of the purchase. 2. The issue of bonds would not unduly increase the nominal public debt. *x*. It would still be below the *per capita* debt of nations whose credit is excellent. 3. No increase at all of actual debt would follow. *x*. The railways would represent an asset equal to or greater than the issue of bonds. 4. The consolidation and unification of interests would much increase the value of the properties.

V. The experience of foreign nations is favorable to government ownership and operation. A. The experience of Prussia is favorable. 1. In Prussia a large annual surplus has been earned. 2. Uniform, stable, and lower rates have been secured. 3. Facilities and accommodations have been improved. 4. Natural resources have been developed and the commercial prosperity of the nation enhanced. B. The experience of Belgium is favorable. 1. A profit has been earned. 2. The total of ton mileage has increased. 3. Im-

provements have been introduced. 4. Rates have been lowered. 5. Accidents are fewer. C. The experience of Australia and New Zealand is favorable. 1. Great social advantages have been secured. *x.* The better distribution of labor. *y.* An increase in suburban dwelling. *z.* Increased educational advantages. 2. Agricultural interests have been fostered. D. The experience of other nations is favorable. 1. That of Austria-Hungary. 2. Of Switzerland. 3. Of France.

### Brief for the Negative

REFERENCES: A. T. Hadley, *Railroad Transportation*; E. R. Johnson, *American Railway Transportation*; G. H. Lewis, *National Consolidation of the Railways*; M. M. Kirkman, *Railway Rates and Government Control*; Appleton Morgan, *The People and the Railways*; A. B. Stickney, *The Railway Problem*; W. S. Jevons, *Methods of Social Reform*, p. 353; G. L. Bolen, *Plain Facts as to the Trusts and the Tariff*, Chap. 4; *North American Review*, Vol. 137, p. 205; Vol. 138, p. 461; Vol. 156, p. 552; Vol. 164, p. 327; Vol. 180, p. 235; *Forum*, V., 267, 299, 429, 469; XI., 79; XVIII., 250; *Atlantic Monthly*, XXXVII., 360, 691; XXXVIII., 72; LXVII., 386; LXXXI., 433; *Economic Journal*, II., 629; VIII., 265, 553; IX., 92, 93; X., 151, 349; *Quarterly Journal of Economics*, I., 28, 453; II., 162; IX., 77; *Publications of American Economic Association*, 3d Ser., IV., 84, 104; *Political Science Quarterly*, III., 572; VI., 474; XV., 37; *Journal of Political Economy*, III., 1; XII., 34; *Popular Science Monthly*, XXIX., 1; XXX., 577; XXXI., 145; XXXII., 332; XXXIV., 455; XLVII., 186; *New Princeton Review*, II., 355; *Harper's Magazine*, LXXV., 141; C., 479; *Yale Review*, IV., 398; *Annals of American Academy of Political and Social Science*, XIX., 61, 89; *Gunton's Magazine*, XI., 54, 337; XIV., 145; XV., 125; XVII., 347; XX., 305;

XXVII., 149; *Cosmopolitan*, II., 365; *Nation*, XXXIV., 224; XXXV., 150; XXXVII., 137; XLV., 346; LI., 205; LIV., 409; LXXIX., 10, 19.

I. The present system of railroad ownership and control in the United States is excellent. A. Under the present system the general welfare of the nation has been incalculably advanced. 1. Manufactures and trade have been encouraged. 2. The rapid growth of population has been stimulated. 3. The natural resources of the country have been developed. B. Railway facilities in the United States are the best in the world. 1. More miles of railway have been built than in any other country. *x*. More in respect to area. *y*. More in respect to population. 2. More trains are run and at higher speed. 3. Accommodations are better. 4. Better methods and appliances are employed. C. Railway rates are very reasonable. 1. Freight rates, by unanimous consent, are the lowest in the world. 2. The fact that passenger rates may be higher than in some European countries is no valid objection to the present system. *x*. Facilities and accommodations are incomparably better in the United States than in European countries. *y*. Population is less dense. D. The argument that the present system is objectionable because discrimination in rates is practised is unsound. 1. Unjust discrimination has for the most part been stopped. *x*. By the force of public opinion. *y*. By the Interstate Commerce Commission. 2. Whatever unjust discrimination still exists can easily be remedied. *x*. By legalizing pooling. *y*. By increasing the power and character of the Interstate Commerce Commission. *z*. By a rigid enforcement of the law prohibiting the giving and taking of rebates.

3. Much so-called discrimination must always exist. *x*. The business of shipping centres can be handled more cheaply than that of small way-stations. *y*. Many other special considerations will inevitably enter into the question of rates. E. The statement that American railways are over-capitalized is untrue. 1. They are capitalized at a lower figure per mile than those of any European country.

II. Government ownership and operation would be inexpedient. A. The ownership and operation of railways is not a proper function for the government. 1. The sphere of the State's activities should be limited to what private individuals cannot successfully accomplish. B. Government operation would be inefficient. 1. The services of the best men could not be secured. *x*. The pay would not be sufficient. *y*. The best men do not now go into the service of the government. 2. The best appliances and latest inventions would not be used. 3. The energy and initiative of private business would be lacking. 4. Political considerations would control administration. *x*. Schedules and rates would be fixed by local demands and personal influence. C. Government operation would be extravagant. 1. Experience shows that it is impossible for the government to carry on any enterprise as cheaply as can individuals. *x*. Government administration fails in respect to the post-office. *y*. In building. *z*. In the improvement of rivers and harbors. D. Government ownership and operation would give rise to dangerous political influences. 1. The great increase in public patronage might easily be used to perpetuate parties and officials in power. E. Government ownership would be unjust. 1. The property of

shareholders who have invested on the basis of private control would be confiscated. 2. No commensurate liability would be acknowledged by the government for accidents or death. F. Government ownership of railways would lead the way to other socialistic schemes. 1. To the control of the telegraph. 2. To the ownership of mines and other forms of industry.

III. Government ownership and operation is impracticable. A. It is impracticable for fiscal reasons. 1. To acquire the railroads would burden the government with an overwhelming public debt. 2. Railroad bonds, if they could be sold, would bear a prohibitive rate of interest. 3. The nation's borrowing power for other purposes would be extinguished. 4. A large part of the interest charges would be paid on properties which do not now return operating expenses. 5. The budget of the government would be thrown completely out of order. *x*. The revenues and expenditures of railways would be much greater than all others. *y*. The credit balance of the country would depend entirely on the prosperity of the railway system. B. Government control is impracticable for administrative reasons. 1. The government has not and could not in years have the machinery necessary for so vast an undertaking.

IV. The experience of foreign nations is unfavorable to government ownership and operation. A. The experience of Australia and New Zealand is unfavorable. 1. Fewer miles of railway have been built proportionally in Australia and New Zealand than in the United States. 2. Unnecessary lines have been built. 3. The cost of construction has been excessive. 4. The management has been inefficient. B. The experience of Belgium is unfavorable. 1. Service and accommoda-



tions in Belgium are less satisfactory than in the United States. 2. Charges are higher. 3. The administration is influenced and handicapped by political considerations.

C. The argument that the experience of Prussia is favorable to government ownership is unsound.

1. Conditions in Prussia are wholly different from conditions in the United States.

*x*. The government is strongly centralized and is military in character.

*y*. The civil service is efficient and honest. *z*. Conditions of population and traffic differ greatly.

2. In nearly all important respects the Prussian system is inferior to that of the United States.

*v*. Accommodations and facilities are less satisfactory.

*w*. Freight rates are higher.

*x*. Red tape and officials predominate.

*y*. New improvements are but slowly introduced.

*z*. Railways do not respond to the needs of industry.

## XX

### A POSTAL TELEGRAPH

PROPOSITION: The government should maintain and operate a telegraph system in connection with the post-office.

#### Introduction

GENERAL REFERENCES: *Report of the Industrial Commission*, IV., IX., XIX. (see Indexes); A. T. Hadley, *Economics*, pp. 390-403; *Encyclopædia Britannica*, XXXI. (New), 864; *World Almanac* (Telegraph Information); *Senate Reports*, 45th Cong., 3d Sess., No. 805; 48th Cong., 1st Sess., No. 577, Pts. 1, 2; *Senate Documents*, 55th Cong., 2nd Sess., No. 39, Pts. 1, 2; *United States Statutes at Large*, XIV., 221; *Tenth Census*, IV., 765; *Pensacola Telegraph Company v. Western Union Telegraph Company*, 96 *United States Reports*, 1; *Harvard Law Review*, XVI., 487; *Public Opinion*, IV. (see Index); Annual Reports of the Postmaster General; Annual Reports of the Western Union and Postal Telegraph Companies.

I. The question is important. A. Because it has frequently been asserted: 1. That there are serious evils in the telegraph system in the United States. 2. That these evils would be remedied if the government were to assume control. 3. That the United States is the only important nation which does not control its telegraph.

II. It is generally admitted. A. That the telegraph system in the United States is now virtually in

the hands of two private corporations. B. That the government has the power to establish a telegraph system in connection with the post-office. C. That it may exercise this power in one of several ways. 1. It may contract for telegraph, as for railway service. 2. It may purchase existing lines. 3. It may build new ones.

III. The question whether the government should proceed in one of these ways seems to present four main issues. A. Are there evils in the telegraph system in the United States? B. Would these evils be remedied by the establishment of a postal telegraph? C. Is a postal telegraph desirable for other reasons? D. Is it practicable?

### Brief for the Affirmative

REFERENCES: Frank Parsons, *The Telegraph Monopoly*; W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 890, 917, 922, 1315; Hugh Lusk, *Our Foes at Home*, Chap. 10; W. S. Jevons, *Methods of Social Reform*, p. 277; Frank Parsons, *The Story of New Zealand*, Chaps. 60, 75; *Senate Documents*, 54th Cong., 1st Sess., Nos. 205, 291; 56th Cong., 1st Sess., No. 65; *Senate Miscellaneous Documents*, 42nd Cong., 3d Sess., No. 79; *Senate Reports*, 41st Cong., 2nd Sess., No. 18; 42nd Cong., 2nd Sess., Nos. 20, 223; 42nd Cong., 3d Sess., No. 242; 43d Cong., 2nd Sess., No. 624; *House Reports*, 28th Cong., 2nd Sess., No. 187; 41st Cong., 2nd Sess., Nos. 114, 115; 42nd Cong., 2nd Sess., No. 69; 42nd Cong., 3d Sess., No. 6; 43d Cong., 2nd Sess., No. 125; 46th Cong., 3d Sess., No. 137; 47th Cong., 2nd Sess., No. 2004; 48th Cong., 1st Sess., No. 1436; 50th Cong., 1st Sess., No. 955; *House Executive Documents*, 40th Cong., 3d Sess., No. 35; *House Miscellaneous Documents*, 41st Cong., 3d Sess., Nos. 36, 39; *Arena*, V., 464; XIII., 372; XV., 49, 242, 399, 587, 802, 947; XVI., 70, 186,

353, 629; XVII., 193, 416, 947; XVIII., 218; XXVII., 179; XXVIII., 188; *North American Review*, Vol. 132, p. 369; Vol. 137, p. 521; Vol. 142, p. 227; Vol. 143, p. 35; Vol. 149, p. 44; Vol. 154, p. 742; Vol. 158, p. 294; *Forum*, IV., 561; IX., 450; X., 174; XVII., 81; *Consular Reports*, XLVII., 564; *Atlantic Monthly*, XXXI., 230; LXXXI., 120; *Century*, LIX., 952; *Popular Science Monthly*, XIX., 400; *Gunton's Magazine*, XX., 305; *New England Magazine*, XIX., 244; *American Law Review*, XXIX., 675; *Quarterly Journal of Economics*, II., 353; *Nation*, XXXVII., 90, 132; XXXVIII., 136; *Independent*, XLIX., 571.

I. There are serious evils in the telegraph system in the United States. A. The system is a private monopoly. 1. The two companies which control it work in entire harmony. B. Charges for telegraph service are exorbitant. 1. They are much higher than in European countries. 2. The argument that this difference is due to longer distances, thinness of population, and to the greater cost of labor, is untenable. *x*. Most of the business in the United States is done within a limited radius. *y*. Only a small part of the cost of a message is due to distance. *z*. Wages are lower and the efficiency of labor is higher in the United States than abroad. C. Telegraph facilities in the United States are inadequate. 1. The number of offices is insufficient. *x*. They are few in comparison with the number of post-offices. *y*. Thinly populated parts have none. 2. The offices have little regard for public convenience. *x*. They are open for short hours. *y*. Except in cities they are closed on Sundays. D. The telegraph service is poor. 1. It is slow. 2. Inaccurate. 3. Employees are disrespectful and disobliging. 4. The obligation of secrecy is often dis-

regarded. E. Discrimination is practised. 1. In respect to service. 2. In respect to rates. F. An objectionable control is exercised over the press. 1. Criticism of the service is forbidden. 2. The existence of new, and the success of old journals is prevented. G. An improper influence is exerted on politics and legislation. 1. Remedial legislation is blocked by the use of money. 2. The favor of officials of all kinds is won by franks. H. Employees are unjustly treated. 1. They are underpaid. 2. Long hours of service are required. 3. Women and children are discriminated against. I. The social and educational possibilities of the telegraph are neglected. 1. The number of messages *per capita* is much smaller than it should be. *x*. It is much smaller than abroad. J. There are many other evils. 1. Telegraph companies are greatly over-capitalized. 2. Tariffs are not uniform. 3. Modern methods and appliances are not employed. 4. The telegraph is used as an adjunct of stock speculation.

II. The evils of the present system would be remedied by the establishment of a postal telegraph. A. The telegraph would cease to be a private monopoly. B. Rates would be reduced. 1. Great savings would be effected by consolidation. *x*. Parallel lines and unnecessary offices would be abolished. *y*. The buildings, labor, light, and fuel of the postal service would be utilized. 2. Many present items of expense would be eliminated. *u*. The large salaries of officials. *v*. Dividends on over-capitalization. *w*. Cost of litigation. *x*. Advertising. *y*. Taxation. *z*. Free service. 3. Government control in Europe has been followed by great reductions in rates. C. Telegraph facilities

and service would be improved. 1. The number of offices would be increased. 2. Lines would be extended to outlying districts. 3. The service would aim at the convenience of all, not at profits for a few. D. Discrimination would be stopped. 1. The system would be administered as impartially as the post-office. E. The great social and civilizing influence of the telegraph would be realized. 1. Lower rates would permit and insure more extended use. 2. Government control abroad has greatly increased use.

III. A postal telegraph is desirable for other reasons. A. The control of the telegraph is a necessary and proper function for the government. 1. The control of the transmission of intelligence is placed in the hands of Congress. 2. The telegraph is the natural and best method for the speedy transmission of intelligence. 3. Congress is duty-bound to employ the best methods. 4. The argument that demanded steam in place of horse-power, demands electricity to supplement steam. B. A postal telegraph would be a useful adjunct to many government undertakings. 1. To the work of the War and Navy Departments. 2. To the Weather Bureau. C. The argument that a postal telegraph is inexpedient because it would lead to political corruption is unsound. 1. Few new servants would be required. 2. Civil-service regulations would almost uniformly apply. 3. The number of employees at most would be insignificant when compared with the number of electors. 4. More important duties would bring greater responsibility.

IV. A postal-telegraph system in the United States is practicable. A. The Post-Office Department is well fitted to control the telegraph. 1. It performs its



present functions admirably. 2. It has shown great capacity to assume new and enlarged functions. *x*. By the inauguration of the system of rural free delivery. *y*. By the development of the money-order system. 3. New duties would bring still greater efficiency. B. The establishment of a telegraph system would present no financial difficulties. 1. The amount of money required to lease, purchase, or build a system would not be great. *x*. A comparatively small amount of capital is now invested. C. The argument that a postal-telegraph system could not be maintained without a large annual deficit is unsound. 1. With a single exception government systems abroad are highly profitable. 2. The small deficit of the English system offers no valid argument against government control. *w*. The English government paid an excessive valuation for its properties. *x*. It meets construction and extension charges out of earnings, not by new issues of bonds. *y*. It accepts railway messages free and press messages at a loss. *z*. It makes an actual profit above cost of maintenance, operation, and interest charges. D. The chief opposition to government control is from the officers and shareholders of existing companies.

### Brief for the Negative

REFERENCES: D. A. Wells, *The Relation of the Government to the Telegraph*; E. B. Vedder, *A "Postal" or Government Telegraph*; Western Union Telegraph Company, *The Proposed Union of the Telegraph and Postal Systems*; M. J. Francisco, *Review of an Argument in Support of the Limited Post and Telegraph*; Thomas Mackay, editor, *A Plea for Liberty*, Chap. 9; *Senate Reports*, 50th Cong., 1st Sess., No. 434; *Senate Miscellaneous Documents*, 42nd Cong., 2nd Sess., No. 86;

50th Cong., 1st Sess., No. 39 ; *House Reports*, 40th Cong., 3d Sess., No. 32 ; 50th Cong., 1st Sess., No. 955, Pt. 2 ; *House Miscellaneous Documents*, 42nd Cong., 3d Sess., No. 73 ; *North American Review*, Vol. 137, p. 422 ; Vol. 139, p. 51 ; Vol. 149, p. 569 ; Vol. 166, p. 342 ; *Forum*, XXIV., 471, 723 ; *Arena*, XV., 245 ; *Popular Science Monthly*, XXXIX., 639 ; *Political Science Quarterly*, III., 572 ; *Yale Review*, IV., 398 ; *World's Work*, VII., 4074, 4245, 4589 ; *Nineteenth Century*, XLVIII., 108 ; *Chautauquan*, XXVIII., 227 ; *Nation*, XV., 402 ; XVI., 90 ; XXXII., 55 ; XLIX., 85 ; LIV., 409 ; LXXVII., 354.

I. The asserted evils in the present telegraph system do not exist. A. The system is not a monopoly. 1. Though agreements are made in regard to rates, the two chief companies are in every essential respect rivals. B. Tariffs are not excessive. 1. For distances of any length they are admittedly less than in European countries. 2. For short distances there are excellent reasons for apparent differences. *w.* In Europe, charge is made for the date, signature, and address. *x.* Population is denser. *y.* The area of business activity is less. *z.* Labor and materials are cheaper. 3. Rates in the United States have constantly been reduced. C. Telegraph facilities in the United States are excellent. 1. They are much better than abroad. *x.* There are more miles of wire and more offices in proportion to the population. *y.* There are more offices in proportion to the number of post-offices. D. Service is much better in the United States than abroad. 1. It is more expeditious. 2. Fewer errors are made. 3. Except in favor of the government there is no discrimination. *x.* There is no rule of precedence. *y.* Small customers are served as

cheaply as large ones. E. The charge that telegraph companies earn excessive dividends on overcapitalization is untenable. 1. The total capital does not exceed the cost value of properties. 2. The ratio of expense to the total earnings is such as to insure only a fair profit. F. The charge that franks are issued for improper purposes is false. 1. They are issued chiefly on application and simply as a matter of courtesy. 2. A large part of the free service is extended to railroads for reciprocal advantages. G. The charge that labor is ill treated and that modern inventions are not used is untenable. 1. Labor, by actual comparison, is much better paid than abroad. 2. All the best inventions are now in actual use.

II. A postal telegraph would be inexpedient. A. The control of the telegraph is not a proper function for the government. 1. The sphere of government should be limited to caring for its safety and existence. 2. It should undertake nothing that individuals can successfully carry out. 3. The fact that European nations have assumed control of the telegraph is unimportant. *x*. They are monarchical. *y*. Centralized. *z*. Paternal. B. A postal telegraph would be much less efficient than the present system. 1. The best men would not be employed. *x*. Political considerations would control appointments. *y*. The pay would be less. *z*. The best men will not enter the government's service. 2. The system would be less progressive. *x*. The latest inventions would not be used. *y*. The energy and initiative of private business would be lacking. 3. The administration of the system would be controlled by political considerations. C. A postal telegraph would lead to serious political

evils. 1. Party patronage would be dangerously increased. *x*. The argument that civil-service regulations would guard against this evil is unsound. 1'. Many offices would be appointive. 2'. The feeling against civil-service examinations is increasing. *y*. The statement that few new servants would be required is untrue. 1'. Mail clerks could not do the work of operators. 2. The telegraph system would be used for partisan advantage. 3. Appropriations would be made the basis of log-rolling. D. A postal telegraph would be unjust. 1. The property of shareholders in existing companies would be confiscated. 2. The government would assume no commensurate liability for negligence, dishonesty, or incompetency. E. A postal telegraph would lead to other and even less desirable socialistic schemes. 1. To government ownership of railroads. 2. To the control of mines and other forms of industry. F. Assuming the validity of the arguments in favor of a postal telegraph, consideration at this time is especially inexpedient. 1. The possibilities of wireless telegraphy are unknown. 2. The telephone is likely seriously to compete with the telegraph.

**III.** A postal telegraph in the United States is impracticable. A. There is no satisfactory way for the government to acquire a system. 1. To lease existing lines would be unwise. *x*. A prohibitive rental would be exacted. 2. To purchase existing lines would be unwise. *x*. An immense and unreasonable amount of capital would be demanded. 3. To build new lines would be unwise. *x*. An enormous increase of the public debt would be necessary. *y*. The way would be opened for colossal jobbery and corruption. *z*. Public

undertakings, in no way comparable in magnitude to a telegraph system, are grossly mismanaged. 1'. Public building. 2'. The improvement of rivers and harbors. 3'. Army and navy expenditures. B. The Post-Office Department is incapable of administering a telegraph system wisely. 1. It fails signally in its present duties. *x*. The postal service is inadequate. 1'. With the exception of the system of rural free delivery, no advance has been made in the past ten years. *y*. The administration is inefficient. 1'. Officials are appointed for political, not for business, reasons. 2'. Grave frauds and malfeasances are common. *z*. The administration is very extravagant. 1'. There is a large deficit each year. 2'. Monstrous overcharges are paid for carrying the mails. 3'. The publishers of periodicals are subsidized. C. Even with honest and capable administration there is no likelihood that the government could operate the telegraph without a large deficit. 1. An insurmountable clamor would be raised for lines and offices that could not pay. 2. In Europe, where the popular demand is much more controlled, there are large deficits.

## XXI

### MUNICIPAL TRANSPORTATION

PROPOSITION: Street railways should be owned and operated by municipalities.

#### Introduction

GENERAL REFERENCES: "Bibliography of Municipal Problems," in *Municipal Affairs*, V., No. 1; J. E. Le Rossignol, *Monopolies Past and Present*, p. 118 (Bib.); *New International Encyclopædia*, XII., 720 (Bib.); *Encyclopedia Americana*, XI. (Municipal Ownership); XIII. (Railways — Electric); *Encyclopædia Britannica*, XXXII. (New), 163; *Report of the Industrial Commission*, IX. (see Indexes); State of New York, Report of the Committee on Municipal Ownership of Street and Elevated Railroads, in *Assembly Documents*, 119th Sess. (1896), XXV., XXVI.; Commonwealth of Massachusetts, *Report of the Special Commission Appointed to Investigate the Relations between Cities and Street Railway Companies* (1898); F. W. Speirs, "The Street Railway System of Philadelphia," in *Johns Hopkins University Studies*, XV., Nos. 3-5; W. R. Hopkins, "The Street Railway Problem in Cleveland," in *Economic Studies*, I., Nos. 5-6; City of Chicago: several reports on local transportation; Great Britain, *Report from the Joint Committee on Municipal Trading* (1900); "Local Transportation in Foreign Cities," in *Consular Reports*, XXXVIII., 597; "Relation of Modern Municipalities to Quasi-Public Works," in *Publications of American Economic Association*, II., No. 6; *Municipal Affairs*, I. —; National Municipal League, Proceedings of Annual Conferences for Good City Government, 1894 —.



I. The question is important. A. It is inseparably connected with the questions of congestion of population, slums, and tenements. B. Immense financial interests are involved. C. A great majority of every large community is directly affected.

II. It is generally admitted. A. That there are three methods in which municipalities may deal with street railways. 1. They may grant private companies franchises to build and operate lines. 2. They may build or purchase lines and lease them to private companies. 3. They may own and operate lines themselves. B. In American municipalities the first method is wellnigh universal. C. The question is whether the last method is not preferable to it.

III. The solution of this question seems to present four main issues. A. Is the system of private ownership and operation of street railways in the United States objectionable? B. Would the objectionable features of private ownership, if they exist, be remedied by municipal ownership and operation? C. Is municipal ownership and operation desirable for other reasons? D. Is the experience of this and other countries favorable to municipal ownership and operation?

### Brief for the Affirmative

REFERENCES: Frank Parsons, *The City for the People*; E. W. Bemis, *Municipal Monopolies*, Chap. 7; Charles Zeublin, *American Municipal Progress*, Chaps. 2, 10; J. R. Commons, *Social Reform and the Church*, p. 123; G. L. Bolen, *Plain Facts as to the Trusts and the Tariff*, Chap. 5; Albert Shaw, *Municipal Government in Great Britain*; C. W. Baker, *Monopolies and the People* (3d ed.); State of Missouri, *Eighth Annual Report of the Bureau of Labor Statistics* (1896);

A. H. Sinclair, "Municipal Monopolies and their Management," in *Toronto University Studies in Political Science*, 1st Ser., No. 2; *Senate Documents*, 56th Cong., 1st Sess., No. 69; W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 165, 657, 890, 905, 1292; *Arena*, XII., 393; XIX., 218; XXI., 766; XXV., 198; XXVI., 113; XXIX., 118, 473; XXX., 505; XXXI., 458; XXXII., 318, 428, 461; XXXIII., 128; *North American Review*, Vol. 158, p. 294; Vol. 172, p. 445; *Atlantic Monthly*, LXXXI., 120; XCI., 408; *Forum*, XXXII., 201; *Annals of the American Academy of Political and Social Science*, II., 433; XIV., 310; XVIII., 479; XXIV., 361; *Quarterly Journal of Economics*, VI., 98; XII., 83; XV., 458; *Journal of Political Economy*, V., 403; *American Review of Reviews*, XXXI., 170; *Cosmopolitan*, XVIII., 54; XXX., 557; XXXII., 456; *Harper's Magazine*, LXXXI., 99; *Century*, XXXIX., 721; *World's Work*, II., 833; *New England Magazine*, XIX., 244; *Contemporary Review*, LXXVI., 856; LXXVIII., 227; LXXXIII., 485; *Outlook*, LVIII., 351; LXI., 398, 623, 809, 949; LXII., 665; LXIV., 712; LXVIII., 111; LXX., 726; LXXVI., 695; *Independent*, XLIX., 569, 582; LIII., 2633.

I. The system of private ownership and operation of street railways in the United States is objectionable. A. Street railway fares in the United States are exorbitant. 1. Statistics show that they are twice as high as they need be. *x*. Street railways pay large dividends on watered stock. *y*. They meet many needless expenses. 1'. For salaries. 2'. For litigation. 3'. For corruption funds. 2. Fares are much higher in the United States than abroad. B. The street railway service in the United States is poor. 1. Cars are overcrowded. 2. They are run at inconvenient intervals. 3. They are insufficiently warmed and are ill ventilated. C. The service is dangerous. 1. Loss of life is great and accidents are many. *v*. From

dangerous crossings. *w.* From unprotected wires. *x.* From poor appliances. *y.* From reckless speed. *z.* From overworked and unskilled men. D. The service is unprogressive. 1. Helpful inventions and improvements are grudgingly introduced. E. The public streets are defaced and obstructed. 1. By overhead wires. 2. By protruding rails. F. Municipalities are robbed and corrupted. 1. Valuable rights and franchises are obtained for nothing. *x.* By bribery. *y.* By political influence. 2. Legitimate taxes are evaded. 3. Regulative laws are defied. G. Employees are unjustly treated. 1. They are underpaid. 2. They are mulcted for uniforms. 3. They are unprotected from the weather. 4. Long hours of service are demanded. 5. The right of arbitration is denied. H. There are other serious evils. 1. Great wealth is concentrated in the hands of a few. *x.* A few syndicates and individuals control many lines. 2. Strikes and riots involving destruction of property and loss of life are common.

II. The objectionable features of private ownership would be remedied by municipal ownership and operation. A. Under municipal ownership fares would be reduced. 1. Many expenses would be eliminated. *v.* High-priced officials. *w.* Dividends on over-capitalization. *x.* Taxes. *y.* Litigation charges. *z.* Corruption funds. 2. Traffic would be increased. *x.* Even a slight reduction in fares would greatly increase traffic. 3. As traffic increases the cost of operation decreases. 4. Municipal ownership has universally been followed by reduced charges. *x.* In the United States, in respect to plants for supplying light and water. *y.* Abroad, in respect to street railways. B. Service under municipi-

pal ownership would be much improved. 1. Accommodations would be ample and better. *x*. Seats would be provided for all. *y*. Cars would be warmed and ventilated. 2. Safety appliances would be provided. *x*. Cushioned fenders. *y*. Electric brakes. *z*. Protected wires. 3. The latest improvements and inventions would be employed. 4. Municipal ownership abroad has uniformly resulted in improved service. C. Municipal ownership would purge municipal politics. 1. Bribery and corruption would be stopped. D. Municipal ownership would remedy other evils. 1. The condition of city streets. *x*. By grooved rails and underground wires. 2. The treatment of employees. *x*. By better pay and shorter hours. *y*. By vestibule cars. 3. The recurrence of strikes. 4. The concentration of wealth.

**III.** Municipal ownership and operation is desirable for other reasons. A. It is desirable for social reasons. 1. Suburban living would be increased. 2. The slums and tenement districts would be relieved. 3. The general health and welfare of the people would be improved. B. Municipal ownership is desirable for financial reasons. 1. A profit would be returned to municipal treasuries. 2. Real and personal taxes would be lessened. 3. Municipal street railways have been profitable abroad. C. Municipal ownership is desirable for civic reasons. 1. Better men would be attracted to municipal service. 2. The general tone of citizenship would be improved. D. The argument that municipal ownership is inexpedient because of the increase of public patronage and the condition of city governments is untenable. 1. Experience shows that larger municipal functions insure better

governments. 2. The number of employees would be insignificant when compared with the total number of electors. 3. No political influence could be more harmful than that exerted by private traction companies. E. The control of transportation is essentially a function for municipal enterprise. 1. Street railroads are a natural and virtual monopoly. *x*. They fall into the same category as streets, bridges, and canals. F. The argument that municipal regulation is sufficient without municipal control is untenable. 1. Regulation has proved half-hearted and ineffective. *x*. Abuses have grown instead of decreasing in the past ten years.

IV. The experience of this and other countries is favorable to municipal ownership and operation. A. British experience is favorable. 1. In Great Britain under municipal systems fares have been greatly reduced. 2. Lines have been extended. 3. The service has been improved. 4. Traffic has been doubled. 5. Wages have been increased. 6. Hours for labor have been shortened. 7. Good profits have been earned. 8. The statement that municipal systems in England are inferior to private systems in America is wholly misleading. *x*. Comparison should be made between English private and municipal systems, not between American and English systems. B. American experience is favorable to municipal ownership and operation. 1. Municipal ownership has been successful in respect to light and water plants. *w*. Private monopolies have been abolished. *x*. Charges have been reduced. *y*. Service has been improved. *z*. Profits have been earned for municipal treasuries. 2. Municipal ownership has been success-

ful in the United States in other undertakings. *x.* The Brooklyn Bridge railway. *y.* The subways of Boston and New York. *z.* The New York City docks. C. Continental experience is favorable to municipal ownership. 1. German experience. 2. Italian.

### Brief for the Negative

REFERENCES: R. P. Porter, *Municipal Ownership at Home and Abroad*; M. J. Francisco, *Municipalities vs. Private Corporations*; Leonard Darwin, *Municipal Trade; Corporations and Public Welfare*, Addresses at the Annual Meeting of the American Academy of Political and Social Science (Philadelphia, 1900), pp. 7, 63; *Cassier's Magazine*, XVI., 381; XXI., 356; *Journal of Political Economy*, IX., 243; *Gunton's Magazine*, XVI., 190; XX., 305; *Economic Journal*, VIII., 454; XI., 169; *Annals of the American Academy of Political and Social Science*, XII., 103; *Yale Review*, VI., 17; *Quarterly Journal of Economics*, XIII., 453; XIV., 121; *American Review of Reviews*, XXXI., 256; *National Magazine*, XV., 157; *Edinburgh Review*, Vol. 192, p. 405; *Nineteenth Century*, LII., 713; *Fortnightly Review*, LXXII., 669; *Nation*, LXV., 26; LXXII., 250; *Independent*, LII., 1165.

I. The system of private ownership and operation of street railways in the United States is excellent. A. Street railway service in the United States is the best in the world. 1. It is the best in respect to extent. *x.* There are more miles of track in the United States than in all Europe. 2. The service is the best in respect to equipment and accommodations. *x.* The best motive-power is used. *y.* Cars are run with greater frequency and regularity. *z.* The transfer system is universal. 3. The service is the best in respect to progressiveness. *x.* Lines are rapidly pushed into new



districts and operated at a loss. *y.* The latest methods and appliances are employed. B. Street railway fares in the United States are very reasonable. 1. The average fare is considerably under five cents. 2. Except in the largest cities few companies make a good return on their investment. 3. The statement that fares are lower abroad under municipal systems than in the United States is misleading. *v.* Fares are less for shorter distances only. *w.* For longer distances they are much higher. *x.* No transfers are given abroad. *y.* Lower wages are paid. *z.* The purchasing power of money is less. C. Under private ownership and operation, street railways in the United States have accomplished a work of great social and economic utility. 1. The suburbs of cities have been built up. 2. Neighboring communities have been joined. 3. Urban populations have been widely distributed. 4. Persons with moderate incomes have been enabled to own homes. 5. Health and good air have been secured to thousands. D. The argument that the system of private ownership is the cause of much political immorality is unsound. 1. The franchises that have been secured for nothing have usually been of little value. 2. Most of the money and political influence used by railway corporations is to prevent vicious and unfair legislation. 3. The obvious remedy for what corruption exists is to improve the character of city governments.

II. Municipal ownership and operation of street railways is undesirable. A. Municipal administration of street railways would be inefficient. 1. The officials of city governments are not chosen for business ability. 2. Their term of service is brief. 3. Even

if respectable and willing they lack the necessary technical skill to conduct a street railway system.

4. Political considerations would control administration.

B. Municipal management and operation would be inefficient.

1. The services of the most effective men could not be secured.
  - x*. Comparatively small salaries would be paid.
  - y*. Employees would be chosen for personal and political reasons.
  - z*. Effective men shun the public service.
2. Municipal enterprises of every sort are less efficient than private.
  - x*. The conduct of police and fire departments.
  - y*. The control of streets and parks.

C. Municipal ownership and operation would be extravagant.

1. Higher wages would be paid for less service.
2. Lines would be extended because of political influence.
3. Local debts would be increased.
4. Small economies would not be practised.
5. Public enterprises of every sort are more expensive than private.

D. Municipal operation would be unprogressive.

1. The energy and initiative of private business would be lacking.
2. The best methods and appliances would not be used.

E. Municipal ownership would intensify the bad political condition of American cities.

1. Municipal jobbery and corruption would be enormously increased.
  - x*. There would be a much larger sum for collection and disbursement.
  2. The power of bosses and machines would be strengthened.
  - x*. Public patronage would be much increased.

F. Municipal ownership is wrong in principle.

1. It undermines free competition.
2. It checks industrial progress.
3. It paves the way for the socialistic State.

G. Municipal control and regulation presents the true solution of the transportation problem.

**III.** The experience of this and other countries is unfavorable to municipal ownership and operation.

**A.** British experience is unfavorable. 1. Municipal service in Great Britain is poor. 2. Passengers are few. 3. Plants are old-fashioned. 4. Mileage is small in proportion to population. 5. Enterprise is lacking. 6. A small revenue is received. 7. Low wages are paid. 8. A big charge is made for a long haul. 9. The social value of the railway is neglected. 10. The statement that in some cases municipal plants in Great Britain have been profitable is misleading. *x*. In such cases no account is taken of deterioration.

**B.** German experience is unfavorable to municipal ownership. 1. In spite of the success of government railroads, the Germans will not permit municipal ownership of street railways.

**C.** The experience of the United States is unfavorable to municipal ownership. 1. It is very unfavorable in respect to plants for supplying light and water. *w*. Municipal service is poor. *x*. The management is unprogressive. *y*. Public debts have been greatly increased. *z*. Many municipal plants after a trial have been turned over to private corporations.

## XXII

### A FEDERAL DIVORCE LAW

PROPOSITION: A constitutional amendment should be adopted giving Congress exclusive power to regulate marriage and divorce in the United States.

#### Introduction

GENERAL REFERENCES: G. E. Howard, *History of Matrimonial Institutions* (Bib.); C. D. Wright, *A Report on Marriage and Divorce in the United States* (First Special Report of the Commissioner of Labor); J. P. Bishop, *New Commentaries on Marriage, Divorce, and Separation* (2 vols.); Edward Westermarck, *The History of Human Marriage* (Bib.); T. D. Woolsey, *Divorce and Divorce Legislation*; C. D. Wright, *Outline of Practical Sociology*, Pt. 4, Chap. 10; W. E. H. Lecky, *Democracy and Liberty*, II., 158-177; James Bryce, *Studies in History and Jurisprudence*, p. 782; H. Hirsh, *New Edition of Hirsh's Tabulated Digest of the Divorce Laws of the United States*; *World Almanac* (Divorce Laws); Great Britain, *Reports on the Laws on Marriage and Divorce in Foreign Countries* (1903); *Twelfth Census*, II., xcii; M. G. Mulhall, *Dictionary of Statistics* (4th ed.) p. 217; J. J. Lalor, *Cyclopædia of Political Science*, I., 821; III., 808; *New International Encyclopædia*, VI., 170; *Encyclopædia Britannica*, XXVII. (New), 471; "Draft for a Uniform Divorce Law," in *Harvard Law Review*, XIV., 525; *Chautauquan*, X., 588; *Political Science Quarterly*, IV., 592; VIII., 69; *Forum*, XVII., 484.

**I.** The question is important.      A. It touches the welfare of the foremost of social institutions, the family. B. It has been much agitated.      1. A national investigation has been made.      2. A national reform league has been in existence many years.      3. Action to remedy what are said to be grave evils has been vigorously demanded.      *x*. By clergymen.      *y*. By the press.

**II.** It is generally admitted.      A. That the regulation of marriage and divorce is now a subject solely for State legislation.      B. That in many States laws of divorce are less strict than formerly.      1. Divorce is permitted for more causes.      2. Less time is necessary to secure standing in court.      C. That a large and increasing number of divorces is granted annually in the United States.      1. More divorces are granted in the United States than in any other country in the world.      2. This number is increasing.      *x*. In respect to population.      *y*. In respect to the total number of marriages. D. That the laws of different States differ widely.      1. As to what constitutes marriage.      2. As to the grounds for divorce.      3. As to the jurisdiction of courts.      4. As to the status of the parties after divorce.      E. That the object of those who seek a constitutional amendment giving Congress exclusive power over divorce is twofold.      1. To secure a uniform Federal law.      2. To secure a law which shall be more stringent than those now in force in many States.

**III.** The question whether such an amendment is desirable seems to present three main issues.      A. Has State regulation of marriage and divorce given rise to evils?      B. Is a more stringent and uniform Federal law desirable?      C. Is a Federal law feasible?

### Brief for the Affirmative

REFERENCES: D. Convers, *Marriage and Divorce in the United States*; Senator Kyle, in *Congressional Record*, Vol. 23, Pt. 1, p. 790; W. D. P. Bliss, *Encyclopedia of Social Reform*, p. 504; *North American Review*, Vol. 130, p. 547; Vol. 136, p. 305; Vol. 139, p. 30; Vol. 149, pp. 513, 641; Vol. 150, p. 263; Vol. 157, p. 11; *Forum*, II., 429; VIII., 349, 504; X., 585; XIII., 541; *Atlantic Monthly*, LXI., 680; *Century*, I., 411; LIX., 636; *Popular Science Monthly*, XXIII., 224; *International Review*, I., 794; XI., 139; *Journal of Social Science*, XIV., 152; *Andover Review*, I., 301; II., 66; X., 602; XI., 427; XII., 528; *New Englander*, XXV., 436; XXVI., 88, 212, 482; XXVII., 12, 517, 764; XLIII., 48; XLV., 692; *Princeton Review*, N. S., IX., 90; XII., 227; XIII., 169; *Arena*, II., 399; *Westminster Review*, Vol. 133, p. 417; *Contemporary Review*, LXVIII., 256; *Nineteenth Century*, L., 904; *Spectator*, LXIII., 919; *Nation*, X., 332, 366, 404; XXXVI., 418; XXXVII., 408; LII., 493; LIV., 334; LVI., 60; *Public Opinion*, VIII., 103, 141, 216, 334; XX., 397; Reports and Publications of the National Divorce Reform League and of the National League for the Protection of the Family.

I. State regulation of marriage and divorce has given rise to great evils. A. The greater freedom of divorce permitted in many States is an evil. 1. Lax laws of divorce are contrary to the teachings of Christianity. *x.* The Church looks on marriage as a divine institution. *y.* It permits separation in rare instances only. 2. Lax laws are responsible for the great and increasing number of divorces. *x.* When the marriage relation is not regarded as permanent, small differences easily grow into causes for divorce. *y.* Statistics show that lax laws are followed by more divorces. 3. Lax laws compel many innocent persons to suffer.



*x.* Children. *y.* Relatives. 4. Lax laws strike at the stability of the family. *x.* The family is made the sport of passion and caprice. 5. Lax laws foster immorality. 6. They lead to imprudent marriages. B. The lack of uniformity which exists in State laws is an evil. 1. Divorce is made easy. *x.* Many divorces are granted to those who migrate from one State to another for this purpose. 2. Disrespect for the law is inculcated. *x.* What is encouraged in one State is forbidden in another. 3. Great wrongs are inflicted. *x.* Children are illegitimized. *y.* Decrees are obtained fraudulently and without notice. 4. Endless confusion is brought about. *x.* Parties to divorce proceedings have a different status in different States. *y.* Property rights are much involved.

II. A more stringent and uniform Federal law is desirable. A. A more stringent law would remedy the evils caused by the laxity of State regulation. 1. Divorce would be decreased. 2. The rights of children would be protected. 3. The family would be preserved. 4. The stability of the marriage relation would be secured. 5. A broad foundation would be laid for the perpetuity of the nation. B. A uniform Federal law would remedy the evils caused by the diversity of State laws. 1. Migration from one State to another for the purpose of divorce would be stopped. 2. Fraud in divorce proceedings would cease. 3. Personal and property rights would be made secure. 4. The greatest scandal connected with our system of jurisprudence would be put an end to. 5. The argument that a uniform law is not desirable because it would compel communities with high ideals to accept those of low ones is untenable. *x.* The gen-

eral average sentiment of the nation would be expressed.

*y.* The best features of the present laws would be embodied, the worst eliminated.

*C.* In no way can the desired ends be attained except by a Federal law.

*1.* Under the existing system it is impossible to secure adequate legislation in many States. *x.* Public sentiment is not sufficiently alive.

*2.* Under the existing system it is impossible to secure any substantial unanimity. *x.* Both conditions and sentiment are too diverse.

*y.* Efforts have failed in much less difficult subjects. *z.* Even if unanimity were once reached it would avail little.

*1'.* New enactments would be passed. *2'.* Judicial interpretation would vary widely.

*3.* It is impossible to trust, as some wish, to the education of public sentiment. *x.* The evil is grave and growing.

*y.* Effective public sentiment on ethical questions is a work of many years.

**III.** A Federal law of divorce is feasible. *A.* The

diversity of interests to be reconciled is much less than the diversity of the present laws might indicate.

*1.* State boundaries are, for the most part, purely legal and fictitious. *2.* They indicate no corresponding separation of social or moral interest.

*3.* In any view, the interests to be reconciled are no greater than is the case in tariff legislation.

*B.* The feasibility of Federal legislation is well shown by experience.

*1.* By the history of the National Banking Act. *2.* By the uniform bankruptcy law.

*3.* In both of these instances, matters on which there had been great diversity of State law were made the subject of successful Federal legislation.

*C.* A Federal law of divorce is in accord with the general political sentiment of the nation.

*1.* There is a growing tendency

to widen the scope of Congressional action in matters of national concern.

### Brief for the Negative

REFERENCES: W. F. Willcox, *The Divorce Problem*; A. P. Richard, *Marriage and Divorce*; W. L. Snyder, *The Geography of Marriage* (2d ed.), Chaps. 19-22; Edward Williams, *The Scriptural Doctrine of Divorce*; S. G. Fisher, *The Cause of the Increase of Divorce*; *North American Review*, Vol. 139, p. 234; Vol. 144, p. 429; Vol. 149, p. 529; Vol. 150, p. 110; Vol. 155, p. 721; Vol. 170, p. 405; Vol. 173, p. 508; *Forum*, III., 161; X., 115; *Arena*, I., 413, 560, 682; IV., 696; V., 243; XXIII., 88; XXIX., 167; XXX., 186; XXXII., 291; XXXIII., 142, 262; *Overland Monthly*, N. S., XV., 468; *Journal of Social Science*, XIV., 136; XIX., 132; *International Review*, XIV., 178; *Popular Science Monthly*, XXIII., 663; *Cosmopolitan*, XXXVII., 201; *American Law Review*, XXI., 675; *New Englander*, XLI., 588; LIV., 395; LVI., 40; *Contemporary Review*, LIX., 803; LXV., 285; LXVIII., 21; LXXII., 410; *Fortnightly Review*, XLIII., 640; LVII., 258; *Westminster Review*, Vol. 130, p. 399; Vol. 131, p. 676; Vol. 133, pp. 172, 479; Vol. 134, p. 189; Vol. 139, p. 394; Vol. 145, p. 182; Vol. 152, p. 293; *Nation*, VII., 453, 504; LXXVIII., 480; *Independent*, LVIII., 215.

I. The results of State regulation of marriage and divorce are inevitable. A. The greater freedom of divorce permitted in some States is inevitable. 1. Greater freedom of divorce is due to a broader religious thought. *x.* To the refusal to accept the Bible literally. *y.* To the growing belief that marriage is a civil contract. 2. Greater freedom of divorce is due to a broader social thought. *x.* To the larger opportunities women now enjoy. *y.* To the increased impor-

tance attached to the happiness of the individual. *z.* To the changed attitude of society toward the divorced. *3.* Greater freedom is due to modern social and economic conditions. *x.* To the decrease of homes. *y.* To the growth of cities. *1'.* More divorces are granted in the city than in the country. **B.** The lack of uniformity in State laws is inevitable. *1.* Under our system of government matters of social and internal economy must be left to the States. *2.* In different States, great diversity of conditions exists. *w.* Climate. *x.* Population. *y.* Social and political antecedents. *z.* The character and age of communities. *3.* Diversity of conditions necessarily causes diversity in law. *4.* The diversity is no worse in respect to the law of divorce than in respect to other subjects of State regulation. *x.* Crimes. *y.* Liquor. *z.* Wills and administration.

**II.** A more stringent and uniform Federal law is not desirable. **A.** A more stringent Federal law is not desirable. *1.* Divorce is a remedy, not a disease. *x.* Its increase, even if a symptom, is not a cause of decadence. *2.* Stricter laws do not make less divorce. *x.* Divorce has increased without any change of law. *y.* Less rigid laws have not increased divorce. *z.* More rigid laws have not diminished divorce. *3.* Stricter laws of divorce do not improve morals. *x.* This is shown by the history of the Middle Ages. *1'.* When the doctrine of the indissolubility of marriage was most uniformly accepted, family morals were worst. *y.* It is shown by experience in modern times. *1'.* By the experience of France. *2'.* Of South Carolina. *4.* Considerable freedom of divorce is necessary to maintain the dignity and stability of the marriage re-

lation. B. A uniform Federal law is not desirable.

1. The evil of migration for divorce, which a uniform law is chiefly aimed against, has been much exaggerated.
- x*. Only a small per cent of couples are divorced in another State than that in which they were married.
- y*. In an even smaller per cent was the migration for the purpose of divorce.
2. Communities with high ideals should not be compelled, as they would under a uniform law, to submit to those with low ones.
3. Communities with low ideals can never be compelled to accept those of high ones.
- x*. A law can be effective only when public opinion demands its enforcement.

C. So far as stricter and more uniform State laws are desirable they can be secured.

1. By education.
2. By concurrent legislation on the part of several States.

III. A Federal law of divorce is not feasible.

A. No common basis for a Federal enactment could be found.

1. Irreconcilable diversity of opinion exists as to the nature of marriage.
2. As to the causes for divorce.
3. As to what should give courts jurisdiction.

B. A Federal enactment would overthrow our whole plan of government.

1. The power of the States in a matter of internal and domestic concern would be completely subordinated to that of the Federal legislature.

C. A Federal enactment would cause endless collision and confusion.

1. The administration of the law of marriage and divorce would be in the hands of Federal officials and the Federal judiciary.
2. The administration of wills, guardianship, inheritance, and property rights would remain in the hands of State legislatures and local courts.

## XXIII

### THE SINGLE TAX

PROPOSITION: A single tax on land values is desirable.

#### Introduction

GENERAL REFERENCES: "Bibliography of Land and the Land Question," in *Arena*, XVI., 380; Henry George, *Progress and Poverty*; *Report of the Industrial Commission*, X., XIV., XIX. (see Indexes); J. P. Peters, editor, *Labor and Capital*, Pt. 6; *New International Encyclopædia*, XV., 883; *Encyclopedia Americana*, XIV. (Single Tax); W. D. P. Bliss, *Encyclopedia of Social Reform*, p. 1250; "Single Tax Debate," in *Journal of Social Science*, XXVII., 1-124; *Century*, XL., 385-405; *Public Opinion*, IX., 523.

I. The question is important. A. It has probably attracted more popular interest and attention than any other of its kind. 1. The Single Tax has been advocated by parties and in party platforms. 2. It has been widely supported, especially by workmen. 3. It has been vigorously denounced by economists.

II. It is generally admitted. A. That the proposal of those who advocate the Single Tax is as follows: 1. To abolish all taxes except one. 2. To levy a single tax on the value of land irrespective of the value of improvements. 3. Gradually to increase



the tax until it equals entire rental value of the land.  
 B. That the effect of this proposal would be, ultimately, to transfer the ownership of land from individuals to the government.

III. The question whether this is desirable seems to present three main issues.      A. Is the Single Tax desirable for ethical reasons?      B. Is it desirable for social reasons?      C. Is it desirable as a scheme of taxation?

### Brief for the Affirmative

REFERENCES: Henry George, *Social Problems*; *The Land Question*; *Protection or Free Trade*; *A Perplexed Philosopher*; *The Condition of Labor*; *The Science of Political Economy*; Henry George, Jr., *The Life of Henry George*; W. H. Dawson, *The Unearned Increment*; S. B. Clarke, *Current Objections to the Exaction of Economic Rent by Taxation*; T. G. Shearman, *Natural Taxation*; Max Hirsch, *Democracy versus Socialism*, Pt. 5; *Arena*, III., 157, 525; IX., 81, 165, 286, 758; X., 52, 332, 622, 807; XIII., 284, 411, 472; XV., 196, 956; XVI., 892; XVIII., 339; XXI., 51; XXVI., 292, 362; *North American Review*, Vol. 133, p. 65; Vol. 141, p. 1; Vol. 145, p. 1; Vol. 158, p. 175; *Forum*, VIII., 40; *Quarterly Journal of Economics*, V., 357, 494; *Westminster Review*, Vol. 137, p. 513; Vol. 154, p. 162; Vol. 156, p. 197; *Nineteenth Century*, XVI., 134; *Contemporary Review*, LVII., 412; *American Magazine of Civics*, VI., 1; VII., 425; VIII., 518; *Harvard Law Review*, I., 265; *Single Tax Review*, I—.

I. The Single Tax is desirable for ethical reasons.  
 A. The present system of private ownership of land is ethically wrong.      i. It is in derogation of a natural right.      *x*. Land is the bounty of the Creator.      *y*. Equal opportunity to use and to enjoy it is the privilege of

all. 2. Private ownership is contrary to sound conceptions of property. *x*. No one has a right of property except in the fruit of human labor. 3. Private ownership is unjust. *x*. It confers on a few what the labor of all has created. 1'. Society created land values. B. The ethical evils of private ownership would be removed by the Single Tax. 1. The Single Tax would restore the land to the people. *x*. Occupied land would be more available. *y*. Unoccupied land would be opened for improvement. 2. The Single Tax would secure to society its due. *x*. The unearned increment. C. The argument that the Single Tax would amount to a confiscation of private property and hence is wrong, is unsound. 1. Society would take in the future only what land-owners have wrongfully withheld in the past.

II. The Single Tax is desirable for social reasons. A. The private ownership of land has caused great social evils. 1. In spite of the increased production of wealth, poverty has increased. *x*. The rich have grown richer and the poor poorer. *y*. Poverty is greatest where there is the most material progress. 2. This increase of poverty has been due to the private ownership of land. *x*. An increasing share of the gross production of wealth has been absorbed by rent. *y*. A smaller share has been devoted to wages. 1'. Wages tend to a minimum necessary for bare subsistence. 3. The argument that poverty has been caused not by private ownership but by natural causes is unsound. *x*. It has not been caused by increase of population. 1'. The doctrine that population increases faster than means of subsistence is false. *y*. It has not been caused by lack of capital. 1'. Wages are drawn not from capi-

tal but from a fund created by the labor for which they are paid. 4. Private ownership of land has caused other social evils. *x*. Inordinate land speculation. *y*. Unequal and undesirable distribution of population. *z*. Incessant industrial disturbances. B. The social evils of private ownership would be remedied by the adoption of the Single Tax. 1. Poverty would be lessened. *x*. Living would be cheaper. 1'. Taxes on food and clothing would be abolished. *y*. Wages would be increased. 1'. Laborers would be able to compete with capitalists as producers. *z*. Industry would be stimulated. 1'. All burdens would be removed. 2. Land speculation would be stopped. 3. Population would be better adjusted. *x*. In cities it would be diffused. *y*. In the country it would be concentrated.

III. The Single Tax is desirable as a scheme of taxation. A. The present system of taxation is bad. 1. Under the present system the burden is not properly apportioned. *x*. The poor pay more than the rich. 2. The present system is indirect. *x*. The incidence is shifted from one class to another. 3. The present system is extravagant. *x*. Some taxes do not yield enough to pay the expense of collection. 4. The present system promotes fraud and injustice. *x*. Honesty and conscience are penalized. B. The evils of the present system of taxation would be removed by the Single Tax. 1. Under the Single Tax the burden would be properly distributed. *x*. Those who receive a peculiar benefit from society would pay as they were favored. 2. The Single Tax would be direct. *x*. The incidence could not be shifted by landlords. 3. The Single Tax would be less expensive. *x*. Fewer tax gatherers would be required. 4. The Single Tax

would put an end to fraud and evasion. *x.* Land values can be readily ascertained. *y.* The land is immovable.

### Brief for the Negative

REFERENCES: W. H. Mallock, *Property and Progress*, pp. 1-81; E. R. A. Seligman, *Essays in Taxation*, Chap. 3; William Smart, *Taxation of Land Values*, p. 99; John Rae, *Contemporary Socialism* (3d ed.), Chap. 12; F. A. Walker, *The Land and its Rent*, pp. 141-182; F. A. Walker, *Political Economy* (Advanced Course), pp. 417-433; R. C. Rutherford, *Henry George versus Henry George*; G. B. Stebbens, *Progress from Poverty*; G. L. Bolen, *Getting a Living*, Chap. 1; J. B. Miller, *Progress and Robbery*; R. S. Moffat, *Mr. Henry George the "Orthodox"*; G. B. Dixwell, "*Progress and Poverty*"; *North American Review*, Vol. 137, p. 147; Vol. 144, p. 107; *Forum*, III., 15, 433; *Political Science Quarterly*, VI., 625; *Journal of Social Science*, XXII., 116; *Quarterly Journal of Economics*, VII., 433; *Edinburgh Review*, Vol. 157, p. 263; *Contemporary Review*, XLIV., 850; LVII., 282; *Nineteenth Century*, XV., 537; *Andover Review*, VIII., 592; *Century*, XLII., 792; *Popular Science Monthly*, XXXVI., 481; *International Journal of Ethics*, I., 62; *American Law Review*, XIX., 878; *Social Economist*, VIII., 51, 139; *Lippincott's Magazine*, XXXIX., 133; *American Magazine of Civics*, VI., 310; *Spectator*, LVII., 44, 923; LIX., 776; *Saturday Review*, LVII., 39, 97, 465; LXI., 388; *Nation*, XXXI., 65, 117; XXXVIII., 237.

I. The Single Tax is undesirable for ethical reasons.  
 A. It would, admittedly, result in confiscation of private property. 1. All capital now invested in land would be seized for the benefit of the State. B. The arguments advanced to show that this confiscation would be justified are unsound. 1. An equal share in land is not, as asserted, the natural right of all. *x.* All have no

more natural right to land than to any of its products.

2. Society did not, as asserted, create land values.

*x*. It did not create value due to natural advantages.

*y*. It did not, as a whole, create value due to artificial advantages.

1'. Lines of transportation, business blocks, and residences are not the product of society, but of individuals.

3. It is not true to say that, as ownership can be based only on labor, land cannot be the subject of ownership.

*x*. All cultivated land is the result of labor.

*y*. In this respect there is no difference between real and personal property.

4. It is not true to say that society may justly appropriate the so-called unearned increment.

*x*. Society has no more right to the unearned increment in land than in other property.

*y*. Land decreases as well as increases in value.

C. Even assuming the soundness of the arguments advanced, confiscation of land values would be ethically wrong.

1. Society having been organized on the basis of private ownership, cannot rightfully take without compensation what individuals have paid for and have relied upon society to protect.

II. The Single Tax is undesirable for social reasons.

A. The private ownership of land has been a great social benefit.

1. It has been back of all social progress and behind all established institutions.

2. It has promoted thrift, industry, and competence.

3. The argument that the private occupation of land, as contrasted with private ownership, would accomplish these results, is untenable.

*x*. The motive power and the force would be wanting.

B. The arguments advanced to prove that private ownership has caused social evils are unsound.

1. Poverty has not, as asserted, increased with progress.

*x*. Statistics show that

poverty has not increased. *y*. Statistics show that poverty is least where material progress is greatest. 2. Rent has not, as asserted, taken an undue share of wealth. *x*. Rent has decreased in respect to aggregate production. *y*. Wages have constantly increased. *z*. Comparatively few great fortunes have been made in land. C. Such imperfections in the social order as may exist would not be eradicated by the Single Tax. 1. The Single Tax would make land no more plentiful. *x*. The State would simply be substituted for individuals as landlord. 2. Wages would not be increased. *x*. There would be no more capital. *y*. The number of laborers would not be less. *z*. The standard of living would not be raised. 3. The cost of living would not be lowered. *x*. Rent would still go on. 4. The slum and tenement problems would not be helped. *x*. The poor now refuse to go to suburbs where land is cheaper. 5. Speculation would simply be transferred to other fields.

**III.** The Single Tax is undesirable as a scheme of taxation. A. It would be unconstitutional. 1. It would be a direct tax not apportioned according to population. B. The Single Tax would be insufficient. 1. Not enough revenue would be provided to meet the expenditures of government. C. The Single Tax would be unjust. 1. One class would be made to bear the burden of all. 2. The inequalities inherent in all taxation would be magnified. *x*. There would be no equalizing forces. D. The Single Tax would not be flexible. 1. No provision could be made for extraordinary expenditures. *x*. For carrying on war. *y*. For undertaking great public improvements. E. The Single Tax could not be properly



adjusted.     1. State, local, and national interests would conflict.     F. The Single Tax would be inexact.     1. It would not be based on actual needs and conditions.     G. The Single Tax would necessitate dropping many excellent restrictive and regulating taxes.     1. Taxes on spirits.     2. On tobacco.     3. On gambling devices.

## XXIV

### COMPULSORY INDUSTRIAL ARBITRATION

PROPOSITION: Boards of arbitration with compulsory powers should be established to settle disputes between employers and wage-earners.

#### Introduction

GENERAL REFERENCES: A. P. C. Griffin (Library of Congress), *Select List of References on Industrial Arbitration*; *Select List of Books on Labor*; F. J. Stimson, *Handbook to the Labor Law of the United States*, Chap. 10; W. D. P. Bliss, *Encyclopedia of Social Reform*, pp. 74-88, 1294; *Encyclopædia Britannica*, XXV. (New), 550; *Report of the Industrial Commission*, IV., VII., VIII., IX., XII., XIV., XVII., XIX. (see Indexes); *Annual Reports of the Commissioner of Labor*, III. (1887); X. (1894); XVI. (1901); *Industrial Conciliation* (Report of the Conference of the National Civic Federation); *Bulletin of the Bureau of Labor*, No. 8; No. 28; No. 40, pp. 552-574; National Civic Federation, *National Conference on Industrial Conciliation* (1901); *Yale Review*, III., 376; *Gunton's Magazine*, XIV., 236; *Public Opinion*, XVII., 809, 832; *International Journal of Ethics*, VIII., 409; Reports of the Massachusetts, New York, and Illinois State Boards of Arbitration.

I. The question is important. A. It touches what many regard as the most important social problem of to-day. 1. The relations between capital and labor.

B. Compulsory arbitration has been strongly advocated.  
 1. By socialists. 2. By some economists. C. It has been vigorously denounced. 1. By labor leaders.  
 2. By many employers.

II. It is generally admitted. A. That industrial warfare in the form of strikes and lockouts is disastrous.  
 1. To employers. 2. To employees. 3. To the public. B. That of the methods suggested for ending this warfare, arbitration has probably received the greatest sanction. C. That arbitration is of two kinds. 1. Voluntary arbitration. *x*. When, by agreement of the parties, a dispute is submitted for decision to a tribunal which has no power to enforce its decree. 2. Compulsory arbitration. *x*. When a board of arbitrators can take cognizance of a dispute on its own initiative or on the application of either party. *y*. When it can compel the attendance of witnesses and the production of papers. *z*. When its decrees are binding. D. Voluntary arbitration has been extensively resorted to in the United States. 1. There is a national arbitration law. 2. Many States have permanent boards. E. The question is whether boards should not now be established having compulsory powers.

III. The solution of this question seems to involve a comparison of the two systems and to present four main issues. A. Is voluntary arbitration unsound in principle? B. Is compulsory arbitration sound in principle? C. Has voluntary arbitration proved ineffective in practice? D. Has compulsory arbitration proved effective in practice?

### Brief for the Affirmative

REFERENCES: N. P. Gilman, *Methods of Industrial Peace*; H. D. Lloyd, *A Country Without Strikes*; W. P. Reeves, *State Experiments in Australia and New Zealand*, II., 69-181; Frank Parsons, *The Story of New Zealand*, Chap. 58; John Mitchell, *Organized Labor*, Chap. 38; T. S. Adams and H. Sumner, *Labor Problems*, Chap. 8; J. P. Peters, editor, *Labor and Capital*, pp., 179-237; *Atlantic Monthly*, LXVII., 34; XC., 667; *North American Review*, Vol. 173, p. 445; Vol. 175, p. 597; *Arena*, VII., 30, 306; XVI., 622; XVII., 663; XXXI., 1; XXXII., 303; *National Review*, XXX., 360; XXXIX., 880; *Century*, XXXI., 946; *Political Science Quarterly*, XVII., 553; XVIII., 112; *Journal of Social Science*, XXVIII., 86; XXXI., lxiii; *World's Work*, III., 1781; *American Review of Reviews*, X., 178; *Westminster Review*, Vol. 159, p. 24; *Economic Journal*, XII., 320; *Independent*, L., 1031; LI., 2029; LIV., 1835, 2219, 2681; LV., 1908; LVI., 357; *Nation*, LXXI., 471.

I. Voluntary arbitration is unsound in principle.  
 A. It is unsound in conception. 1. Public rights are made to depend on the humor and caprice of individuals. *x*. The right to public peace. *y*. The right to continuous service. B. Voluntary boards are defective in organization. 1. They cannot command the services of the ablest men. *x*. Their scope and power is too limited. *y*. The pay is insufficient. 2. Many boards are temporary in character. C. Voluntary boards are defective in jurisdiction. 1. Jurisdiction is had, for the most part, only in unimportant disputes. 2. In important disputes it is had only after injury has been inflicted. D. Voluntary boards are defective in procedure. 1. They have no power properly to ascertain facts. *x*. They cannot compel the attendance

of witnesses or the production of papers. E. Voluntary boards are defective in the nature and force of their decrees. 1. Their decrees may be disregarded by either party. 2. The argument that public opinion will compel obedience is untenable. *x*. The boards command little public interest or confidence.

II. Compulsory arbitration is sound in principle. A. It is sound in conception. 1. The interest of the public in industrial disputes is clearly recognized. *x*. The public is the chief loser by strikes and lockouts. 1'. It never wins. 2. Compulsory boards are conceived on the analogy of courts of law. 3. The argument that compulsory arbitration is wrong in principle because individual liberty is interfered with, is untenable. *x*. On every hand the individual is compelled to surrender his liberty for the good of society. *y*. There is no liberty to invite breaches of the peace. 4. The argument that compulsory arbitration is wrong because it denies a man's right to run his business as he pleases is untenable. *x*. No man has the right to run his business as he pleases. *y*. He is restricted in innumerable ways for the welfare of society. 1'. By sanitary laws. 2'. By building laws. 3'. By factory laws. B. Compulsory boards are effective in organization. 1. They can command the best talent and the widest experience. *x*. Trained judges. *y*. Authoritative experts. 2. They are permanent in character. 3. Their acts and records are continuous. C. Compulsory boards are effective in jurisdiction. 1. Jurisdiction can be taken whenever desirable. 2. Arbitration need not wait until the parties are worn out and great damage has been done. D. Compulsory arbitration is effective in procedure. 1. Facts can be speedily and

accurately ascertained. 2. Industry is unchecked. E. Compulsory arbitration is effective in the nature and result of decrees. 1. The decrees are binding. 2. Stability is thus given to industry. *x*. Wages can be fixed accurately. *y*. Contracts can be made with certainty. 3. The condition of labor is improved. *x*. A fair share of the return of industry is guaranteed to labor. 4. The objection that decrees are ineffective because they cannot be enforced is untenable. *x*. Employers prefer to accept awards rather than the alternative, to close their works. *y*. Employees are amenable. 1'. By fines. 2'. By the forfeiture of rights.

**III.** Voluntary arbitration has proved ineffective in operation. A. It has been ineffective in the United States. 1. State and local boards have accomplished practically nothing. *x*. Strikes and lockouts have increased in number and in violence. 1'. Lives have been lost. 2'. Property has been destroyed. 3'. Traffic has been suspended. 4'. Wages and profits have been forfeited. 2. Only a small number of unimportant disputes have been settled. 3. State boards are now seeking compulsory powers. B. Voluntary arbitration has been ineffective in England. 1. Strikes and lockouts and their attendant evils have increased. 2. Many boards have been discontinued. 3. Few new boards have been established in recent years. C. Voluntary arbitration has been ineffective in France. 1. Only a small number of disputes have been settled under the voluntary act. D. It has been ineffective in Australia and New Zealand. 1. Voluntary boards have completely failed.

**IV.** Compulsory arbitration has proved effective in operation. A. It has been effective in France.



1. The *Conseils des Prud'hommes* have been immensely successful. *x*. Many disputes have been adjudicated. *y*. The results have been speedily and inexpensively obtained. *z*. Complete satisfaction has been given. B. Compulsory arbitration has been effective in Belgium. 1. Results similar to those in France have been obtained by similar boards. C. It has been effective in New Zealand. 1. Industry has been revolutionized. *s*. No important strike or lockout has occurred since the compulsory arbitration act went into effect. *t*. Production has increased. *u*. More wage-earners have been employed. *v*. Industry has been more stable. *w*. Capital and labor have been on better terms. *x*. The condition of workingmen and women has improved. *y*. The support of hostile employers and unions has been won. 2. The New Zealand act has been copied with success. *x*. In New South Wales. *y*. In West Australia.

### Brief for the Negative

REFERENCES: C. D. Wright, *Industrial Conciliation and Arbitration*; J. S. Lowell, *Industrial Arbitration and Conciliation*; L. L. F. R. Price, *Industrial Peace*; J. D. Weeks, *Industrial Conciliation and Arbitration*; Sidney and Beatrice Webb, *Industrial Democracy*, Pt. 2, Chap. 3; G. L. Bolen, *Getting a Living*, Chap. 27; *International Year Book*, 1902, p. 37; J. P. Peters, editor, *Labor and Capital*, pp. 238-304, 448; *Forum*, I., 307; XV., 323; XVIII., 14-19; XXV., 498-99; XXX., 737; *Quarterly Journal of Economics*, I., 487; IX., 353; X., 407; *Arena*, VII., 587; *Journal of Social Science*, XXI., 147; XXVIII., 66; *Annals of American Academy of Political and Social Science*, XX., 21, 29; XXIV., 285; *Yale Review*, III., 113; *Gunton's Magazine*, XXVII., 246; *World's Work*, V., 2789, 2856; *Cassier's*

*Magazine*, XXIII., 558; *Economic Journal*, IX., 85; *Contemporary Review*, LXII., 319; *Nineteenth Century*, XL., 743; *Nation*, LIX., 42, 376; LXXIII., 488; *Independent*, LVI., 1440.

I. Voluntary arbitration is sound in principle.

A. It is sound in conception. 1. It is an attempt to apply rational methods to business disputes. 2. It recognizes certain unalterable facts. *w.* The right of the wage-earner to sell his labor freely. *x.* The right of the business man to employ his capital as he sees fit. *y.* The fact that an industrial dispute is primarily the concern of the parties. *z.* The fact that a moral obligation cannot be enforced by courts. 3. The argument that voluntary arbitration is wrong in principle because it does not recognize the interest of the public in labor disputes, is untenable. *x.* Whatever the interest of the public in a dispute, it does not justify interference until the law has been violated.

B. Voluntary boards of arbitration are effective in organization. 1. They are composed of those most competent to settle a dispute. *x.* The parties or their nominees. C. Voluntary boards are effective in jurisdiction. 1. They take jurisdiction whenever in the judgment of those most interested it is desirable.

D. Voluntary boards are effective in procedure. 1. The procedure gives a knowledge of business needs to opposing sides. 2. It leads to concessions and mutual good-will. E. Voluntary boards are effective in the nature and scope of their decrees. 1. The decrees harmonize conflicting interests. 2. For all practical purposes they are binding. *x.* An enlightened public opinion is back of them. *y.* The honor of each side is at stake.

## II. Compulsory arbitration is defective in principle.

A. It is defective in conception. 1. It infringes personal liberty. *x*. The right to deal with one's own as one wishes is destroyed. 2. It hinders economic progress. *x*. Industry is governed by artificial, not by natural laws. 3. It is opposed to any real solution of the labor problem. *x*. Any solution of the labor problem requires mutual understanding and co-operation. *y*. Compulsory arbitration destroys harmony and causes ill-feeling. B. Compulsory boards are defective in organization. 1. They are composed of men without practical knowledge. 2. They do not have the confidence of the disputants. C. Compulsory boards have too extensive jurisdiction. 1. In many industrial disputes there is nothing to arbitrate. *x*. In sympathetic strikes. D. Compulsory boards are defective in procedure. 1. Inquisitorial methods are employed. 2. Trade secrets and private affairs are exposed to the public and to business rivals. E. Compulsory boards are defective in the nature and force of their decrees. 1. In many cases their decrees cannot be enforced. *x*. Employees cannot be compelled to work for those they do not wish to. *y*. Employers cannot be compelled to do business at a loss. 2. In other cases enforcement leads to bad results. *x*. Production is lessened. *y*. Adulteration is resorted to. *z*. Trade unions are destroyed.

## III. Voluntary arbitration has proved effective in operation.

A. It has been effective in the United States. 1. A large and a constantly increasing number of boards have been established. *x*. State boards. *y*. Trade and local boards. 2. The work of these boards has been eminently satisfactory. *x*. Strikes and

lockouts have been avoided and ended. *y.* Better relations have been fostered. *z.* Stability has been given to industry.

B. Voluntary arbitration has been effective in England.

1. Trade and local boards representing large interests have been in operation many years.

2. In many businesses no dispute has failed amicable adjustment.

3. Labor has been led to an enlightened and intelligent view of business conditions.

C. Voluntary arbitration has been effective in France.

1. The arbitration law has produced excellent results.

IV. Compulsory arbitration is virtually an untried experiment.

A. It is untried in the United States.

1. All attempts to secure compulsory arbitration have failed.

B. It is untried in England.

1. The compulsory arbitration act is never resorted to.

C. It is virtually untried in France.

1. The *Conseils des Prud'hommes* afford little ground for judgment.

*x.* They deal with individual, not with collective disputes.

*y.* Decisions are rendered on past facts, not on future conditions.

D. The New Zealand experiment affords little ground for judgment.

1. The population of New Zealand is small.

2. Industry is in its inceptive stage.

3. The attitude of the people toward State interference is friendly.

4. The years since the law went into effect have been remarkably fruitful.

5. All agree that the real test has not yet come.

6. The latest reports tend to show that when it does come

the law will not withstand.

*x.* Both employers and employees are less satisfied than formerly.

*y.* There is less assent to decrees.

*z.* Capital is taking fright.

## XXV

### GOVERNMENT BY INJUNCTION

PROPOSITION: The issuing of injunctions by Federal courts in labor disputes should be forbidden by Congress.

#### Introduction

GENERAL REFERENCES: F. H. Cooke, *Law of Trade and Labor Combinations*; F. J. Stimson, *Handbook to the Labor Law of the United States*, Chap. 9; J. L. High, *Treatise on the Law of Injunctions*; C. F. Beach, *Treatise on the Law of Injunctions*; W. W. Ker, *Treatise on the Law and Practice of Injunctions*; *American and English Encyclopædia of Law* (Injunctions); *Bouvier's Law Dictionary* (Injunctions); W. D. P. Bliss, *Encyclopedia of Social Reform*, p. 732; "Hearing on Conspiracies and Injunctions," in *Senate Documents*, 56th Cong., 2nd Sess., No. 58; Compilation of Documents relating to Injunctions in Conspiracy Cases, in *Senate Documents*, 57th Cong., 1st Sess., No. 190; *Report of the Industrial Commission*, IV.; V.; VII.; VIII.; XII.; XIV.; XVII.; XIX. (see Indexes); Decisions of Courts and Laws affecting Labor, in *Bulletin of the Bureau of Labor*, No. 2—; also in, United States Commissioner of Labor, *Sixteenth Annual Report* (1901), Chap. 5; *Federal Reporter*, XXIII., 748; XXIV., 217; XXVII., 443; XXX., 48; LI., 260; LIV., 40, 730, 746, 994; LX., 803; LXI., 494; LXII., 796; LXIII., 310; LXXII., 695; LXXX., 811; LXXXII., 41; LXXXIII., 912; XC., 608; XCV., 434; CX., 698; CXI., 49, 264; CXII., 477; CXIV., 950; CXVI., 510; CXVII., 658; CXX., 102; CXXI., 563; CXXIII., 636; CXXIV., 467; *Supreme Court*

*Reporter*, XV., 900; XVII., 658; *Revised Statutes of the United States* (2nd ed.), Sec. 725.

**I.** The question is important. A. The use of injunctions in labor disputes has been called the most disturbing feature of our national life. B. Protests have been embodied in party platforms. C. The subject has received the attention of Congress.

**II.** It is generally admitted. A. That an injunction is an order of a court of equity commanding a person to do or refrain from doing some act. B. That injunctions are of two kinds. 1. Preliminary. *x.* An order restraining a defendant until a hearing of the case can be had. 2. Permanent. *x.* A perpetual order granted after a hearing. C. That the penalty for violating an injunction is punishment, by fine or imprisonment, for contempt of court.

**III.** The question whether the issuing of injunctions in labor disputes should be forbidden by Congress seems to present three main issues. A. Has the use of injunctions been wrong legally? B. Has it been wrong politically? C. Is the use of injunctions in labor disputes necessary?

### Brief for the Affirmative

REFERENCES: W. H. Dunbar, "Government by Injunction," in *Economic Studies*, III., No. 1; J. H. Benton, Jr., *What is "Government by Injunction?"*; John Mitchell, *Organized Labor*, Chap. 37; F. J. Stimson, *Labor in its Relations to Law*, pp. 118-128; Social Reform Club, *Injunctions in Labor Disputes*; *Senate Reports*, 54th Cong., 1st Sess., No. 827; 57th Cong., 1st Sess., No. 1650; *Senate Documents*, 57th Cong., 1st Sess., No. 266; *House Reports*, 53d Cong., 2nd Sess., No. 1049; 54th Cong., 2nd Sess., No. 2471, Pts. 1, 2; 57th Cong.,



1st Sess., No. 1522 ; *Congressional Record*, Vol. 28, Pt. 7, pp. 6320-6325 ; *Arena*, X., 497 ; XIX., 378 ; XX., 194 ; XXIX., 561 ; XXX., 48 ; *Political Science Quarterly*, IV., 261 ; X., 189 ; *Green Bag*, IX., 540 ; *Harvard Law Review*, XI., 487 ; *Central Law Journal*, LIII., 301 ; *Law Quarterly Review*, XIII., 347 ; *American Review of Reviews*, XVI., 356 ; *Annals of American Academy of Political and Social Science*, V., 28 ; *Yale Review*, V., 39 ; *World's Work*, VI., 3384 ; *Chautauquan*, XXXVII., 126 ; *Lecture Bulletin of the Institute of Social Economics*, V., No. 16 ; VI., No. 13 ; *Gunton's Magazine*, XI., 44, 242 ; XXIII., 226 ; *Social Economist*, IV., 257 ; *Independent*, LII., 1328 ; *Nation*, LIX., 190.

I. The use of injunctions in labor disputes has been wrong legally. A. It has been wrong in the matter of jurisdiction. 1. Crimes have been enjoined. x. Equity has civil jurisdiction only. 2. Acts have been enjoined for which there was an adequate remedy at law. x. Equity has jurisdiction only where there is no sufficient legal remedy. 3. Lawful acts have been enjoined. x. Equity has no jurisdiction to forbid lawful acts. 4. Injunctions have been issued to prevent injuries to the person. x. Equity has jurisdiction only to protect property rights. 5. Injunctions have been issued for which there was no authority or precedent. B. The use of injunctions has been wrong in the matter of procedure. 1. Unknown and unnamed parties have been enjoined. x. Courts of equity have control over the parties to the suit only or their agents. 2. Acts of a general kind have been enjoined. x. Equity can only proceed against particular acts. 3. Personal service has been dispensed with.

II. The use of injunctions has been wrong politically. A. The liberty of the citizen has been endangered.

1. Citizens have been made criminally liable for acts which were not criminal. *w.* For peaceably assembling. *x.* For holding meetings. *y.* For leaving work. *z.* For persuading others to leave work. 2. In the trials for such acts the safeguards of the criminal law have been disregarded. *u.* Formal indictment. *v.* Trial by jury. *w.* Proof by witnesses. *x.* The opportunity for counsel. *y.* Uniform and known punishment. *z.* The right of appeal. B. The functions of the Federal judiciary have been unwarrantably extended. 1. Legislative power has been usurped. *x.* By the issue of injunctions against acts not unlawful. 2. Executive power has been usurped. *x.* By the enforcement of such decrees. *y.* By judges constituting themselves peace officers. C. The Federal judiciary has been brought into disrepute. 1. Orders of courts have been openly scoffed at and disregarded. 2. Courts have been involved in local affairs. 3. A belief that the courts were not impartial has been encouraged. *x.* It has been felt that remedies were open to one class and not to another.

III. The use of injunctions in labor disputes is unnecessary. A. Injunctions accomplish nothing that cannot be accomplished in another way. 1. If an act is unlawful it can be punished by a vigorous enforcement of the law. 2. If it is lawful no action of any sort should be possible. 3. The argument that injunctions are necessary to stop rioting and to prevent disorder is unsound. *x.* The proper remedy for disorder is the criminal law. *y.* If present laws are insufficient they should be strengthened by legislatures, not by the courts. *z.* The only reason why injunctions seem more effective than the law is because constitutional guarantees are disregarded. 4. The argument that local

governments are in sympathy with disorder and cannot be trusted to protect lives and property is unsound. *x*. It is better that communities should suffer from the weakness of local administration than that courts should assume legislative and executive functions. B. The experience of the past shows that injunctions have accomplished little or nothing.

### Brief for the Negative

REFERENCES: G. L. Bolen, *Getting a Living*, Chap. 20; Henry Brannon, *Treatise on the Rights and Privileges Guaranteed by the Fourteenth Amendment*, Chap. 23; *Reports of the American Bar Association* (1894), XVII., 30-51, 299-331; *New International Encyclopædia*, X., 23; *American Law Review*, XVIII., 599; XXI., 41; XXII., 233; XXVII., 405; XXVIII., 126, 268, 269, 587, 629, 828, 879; XXXI., 761; XXXII., 124; XXXIII., 885; XXXIV., 161; XXXVII., 148, 285, 461, 932; *Albany Law Journal*, XLVIII., 429; LVII., 8; *Central Law Journal*, XXXVII., 166; XXXVIII., 427; XXXIX., 265; XL., 507; XLI., 337; XLII., 74; XLIII., 457, 464; XLV., 126, 461, 470, 481, 494; XLVIII., 227, 427; XLIX., 259; LV., 163; LVI., 201, 301, 306; LVII., 264; *Gunton's Magazine*, XXVI., 291; *Forum*, XV., 311; XVIII., 1; *Bibliotheca Sacra*, LII., 549; *Engineering Magazine*, XII., 381; *Nation*, LXV., 160, 256; *Public Opinion*, XV., 28; XXIII., 229.

I. The use of injunctions in labor disputes has been right legally. A. It has been right in the matter of jurisdiction. i. Equity has secured jurisdiction for well accepted reasons. *w*. Because innumerable suits at law would have been necessary. *x*. Because damages would have been difficult to assess. *y*. Because strikers were financially irresponsible. *z*. Because irreparable

injury would have been inflicted. 2. The argument that injunctions have been used to enforce the criminal law is unsound. *x*. The fact that an act over which equity has jurisdiction also involves a crime, does not change matters. 3. The argument that lawful acts have been enjoined is untrue. *x*. An act which may be lawful for a single person may become unlawful when many combine to do it. *y*. An act which may be lawful independently considered, may be unlawful in connection with other acts to which it will inevitably lead. 4. The argument that injunctions have been issued to prevent injuries to the person, is unsound. *x*. A man's business is property and as such is entitled to protection. *y*. There is no universal rule that injunctions will issue to protect injuries to property only. 5. The argument that there has been no precedent for many injunction orders is unsound. *x*. All rules of equity were once without precedent. *y*. Practice of the courts must ever be enlarged to meet new conditions. *z*. The right to pursue a vocation free from molestation has long been protected. B. The use of injunctions has been right in the matter of procedure. 1. The procedure followed is well established. 2. The argument that unnamed parties have been enjoined is unsound. *x*. When parties are unknown and their names cannot be ascertained, no objection exists on the score of precedent to naming them by description. *y*. Knowledge of the order is the essential feature. 3. The argument that general acts have been enjoined is unsound. *x*. What was unlawful has been made perfectly definite.

II. The use of injunctions has been right politically.

A. Personal liberty has been protected. 1. Individ-

uals have been permitted to carry on business and to labor unmolested. 2. The statement that personal liberty has been endangered by proceedings for contempt is untrue. *v.* Contempt is a regular offence at common law, not a crime. *w.* The lack of trial by jury is of small consequence compared with the danger of mob violence. *x.* Persons wrongfully imprisoned can be released on habeas corpus proceedings. *y.* Appeal is always possible. *z.* Judges may be impeached. 3. The statement that liberty of speech and action has been wrongfully abridged is untrue. *x.* No man has been compelled to labor for another involuntarily. *y.* Intimidation, not peaceable persuasion, has been forbidden. B. The statement that Federal courts have been brought into disrepute by the issue of injunctions is untrue. 1. Federal judges have shown themselves men of exceptional ability and integrity. *x.* They have been influenced by employers much less than legislators and officials have been moved by the unfair demands of labor. C. The statement that Federal courts have assumed unwarranted power is untrue. 1. The right to punish for contempt is inherent and essential to a court's existence. 2. The fact that courts have in history abused this power is no reason for asserting that they are now doing so.

III. The use of injunctions in labor disputes is necessary. A. In no other way can personal and property rights be protected. 1. Action at law is wholly inadequate. *x.* Strikers are irresponsible. *y.* Irreparable injury is not checked. 2. Prosecution under the criminal law is inadequate. *x.* In labor disputes criminal laws are virtually non-existent. 1'. Local authorities are in sympathy with or are dominated by

strikers. 3. Even if the criminal law were enforced the remedy would be inadequate. *x*. Delays are inevitable. *y*. Irreparable injury would not be checked. B. The experience of the past shows that injunctions in labor disputes have been necessary to protect personal and property rights.



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